ANNUAL REPORT

OF THE

COMMISSIONER OF INDIAN AFFAIRS.

1894.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1894.

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REPORT

OF THE

COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, September 14, 1894.

SIR: The sixty-third annual report of the Indian Bureau, herewith submitted, aims only to give a résumé of noteworthy events which have occurred in the Indian service during the year and of the work for Indian civilization which has been in progress. No attempt is made to theorize upon the Indian question or to point out a way by which to "solve the Indian problem." It is a plain recital of facts, accompanied by the report of the superintendent of Indian schools and reports of agents and school superintendents, tables giving educational, agricultural, industrial, and financial statistics of general interest, with other information required by law to be embodied in this report.

From all these it will appear that the year has been one unmarked by outbreak or disturbance of any kind, and one in which the steady pressure of earnest work along all lines has produced satisfactory results in general, with an occasional instance of unusual hopefulness and encouragement.

APPROPRIATIONS.

The amount appropriated for the Indian service by the Indian appropriation act for the fiscal year just begun is less by $663,240.64 than the amount appropriated by the Indian act for the last fiscal year, as far as the actual expenses of the service are concerned, notwithstanding the fact that the aggregate of the act for 1895 is greater than the

aggregate of the act for 1894 by $2,866,245.65, as will appear from the following comparative table:

TABLE 1.—*Appropriations for the Indian service for the fiscal years 1894 and 1895.*

	1894.	1895.
Contingent and other expenses	$195,800.00	$189,100.00
Treaty obligations with Indian tribes	3,170,073.10	2,936,846.53
Miscellaneous supports, gratuities	690,125.00	663,125.00
Incidental expenses	121,500.00	114,000.00
Miscellaneous expenses	945,540.00	809,785.84
Support of schools	2,243,482.38	2,060,695.00
Trust funds, principal	30,993.90	1,430,916.66
Trust funds, interest	80,390.00	78,320.00
Payment for lands (agreements ratified)	406,336.00	2,467,697.00
Total	7,884,240.38	10,750,486.03
Excess of 1895 over 1894		2,866,245.65

While the foregoing table shows the total amount *appropriated* it does not show correctly the amount of the current expenses of the Indian Department for either year. In order to arrive at that, appropriations made for certain special purposes must be considered. The Indian appropriation act is entitled "an act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes." Formerly it was confined with comparative strictness to that object; but of recent years Congress has been in the habit of attaching to this act agreements with various Indian tribes and of ratifying them therein, instead of ratifying them in separate acts, as in former years. This adds to what is called an appropriation for the Indian service large sums which are really payments for lands purchased by the Government primarily for the benefit of its white citizens. In the current appropriation this amounts to $2,467,697, or nearly 23 per cent of the entire sum.

Besides this, there are certain objects appropriated for almost every year, under the head of "Miscellaneous," which, being only occasional and for special purposes, should not properly be considered as a part of the current expenses of the Indian service.

As already stated, the total amount appropriated for 1894 was $7,884,240.38. This amount includes the following items:

Purchase of bonds belonging to Delawares	$30,033.90
Payment of Sisseton and Wahpeton scouts	30,666.66
Payment for Cherokee Outlet	295,736.00
Payment to Tonkawas for lands	30,600.00
Payment to Pawnees for lands	80,960.00
Removal of Eastern Band of Cherokees	20,000.00
	487,996.56

There are other minor items which might be added to this list, which, being small, are omitted. Deducting the total of these sums from the whole amount appropriated, there remains for the current expenses of the Department for 1894, $7,396,243.82.

For the fiscal year 1895 the total amount appropriated is $10,750,486.03. This includes the following items:

Payment of damages to settlers on Crow Creek and Winnebago reservations	$119,119.19
Payment to Yankton tribe for lands	621,475.00
Payment to Yakama tribe for lands	20,000.00
Payment to Cœur d'Alénes for lands	15,000.00
Payment to Siletz Indians for lands	142,600.00
Payment to Nez Perces for lands	1,668,622.00
Capitalization of Shawnee funds	100,000.00
Face value of certain State bonds assumed by United States	1,330,666.66
	4,017,482.85

Deducting this total from the total amount appropriated, leaves for the current expenses of the Department for the fiscal year 1895, $6,733,003.18.

Comparing the two years, we have:

Current expenses for 1894	$7,396,243.82
Current expenses for 1895	6,733,003.18
Difference in favor of 1895	663,240.64

An analysis of the table presented will show that for every purpose except for payment for lands and trust-fund transactions considerably less is appropriated for 1895 than for 1894. The trust-fund transactions are referred to more at length on page ——.

The estimates for the current expenses for 1895, presented to Congress by this office, amounted to $6,931,756.61; the amount appropriated is $6,733,003.18; which is less than the estimates by $198,753.43. This reduction was largely made at the instance of this office after the regular estimates were submitted.

EDUCATION.

Educational work among Indians has been carried on during the past year along five lines, as heretofore, viz: nonreservation training schools, reservation boarding schools, and reservation day schools, all under Government control; contract schools, both on and off reservations, under supervision of religious societies; and public schools, belonging to the respective State systems of education.

ATTENDANCE.

Notwithstanding the fact that last year's appropriations for education were considerably less than the appropriations for the preceding year, the tables submitted herewith show a small aggregate increase in the entire school enrollment, with more than twice as great an increase in the average attendance. Special advancement in this most important direction is highly gratifying, since it is the steady, uninterrupted school work and influence which produce valuable and lasting results. Irregularity of attendance, the bane of schools everywhere, is particularly deplorable among Indian pupils, whose home life usually

runs counter to school discipline and habits; and a short time at home does much to nullify the training received at school.

The aggregate enrollment for the year has been 21,451 pupils, and the average attendance 17,096, being a little over 79 per cent of the enrollment. It is given in detail as follows:

TABLE 2.—*Enrollment and average attendance at Indian schools, 1893 and 1894.*

Kind of school.	Enrollment.		Average attendance.	
	1893.	1894.	1893.	1894.
Government schools:				
Nonreservation training	4,346	4,350	3,621	3,609
Reservation boarding	6,780	7,631	5,447	6,140
Day	3,589	3,249	2,165	2,079
Total	14,715	15,230	11,233	11,828
Contract schools:				
Boarding	4,182	4,048	3,449	3,507
Day	616	598	342	428
Boarding, specially appropriated for	1,327	1,281	1,113	1,152
Total	6,125	5,927	4,904	5,087
Public day schools	202	226	123	132
Mission schools not assisted by Government: boarding and day pupils	75	68	43	49
Aggregate	21,117	21,451	16,303	17,096
Increase		334		793

It will be noticed that there has been a large increase in the enrollment at Government boarding schools on reservations amounting to 851, with an increase of 693 in average attendance. This is a gain of 12½ per cent. The 20 training schools have held their own in enrollment with a slight falling off in average attendance.

The falling off in the Government day schools is explained by the closing of three day schools among the Sioux (one merged into the new boarding school under the Standing Rock Agency and two discontinued on the Cheyenne Reservation) and the temporary closing of four day schools among the Eastern Cherokees, which will be reopened this fall.

Contract schools have fallen off in enrollment, as was also the case last year; but have gained in average attendance.

The largest gain anywhere has been at the point where it was most needed and least expected, viz, among the Navajoes. The Navajo school opened in September with 15 pupils, and closed in June with 197. Parents brought their children voluntarily; many were refused admission because they could not possibly be accommodated, and some were turned away crying. It was an overwhelming increase of 100 per cent, and like an unprepared-for mountain freshet was quite as likely to do harm as good. Delight and dismay combined. Fortunately the risky experiment of crowding that number of children into buildings, which will properly provide for less than 150, had no untoward result; but it is too hazardous to be repeated. All sitting rooms and play rooms were converted into school rooms and dormitories, and then the boys slept

three, four, and five in a bed. The Government has for years appealed to the Navajoes to send their children to school; it should now with alacrity heed their appeal for schools to which to send them, and should furnish new buildings and equipments at once; 3,850 out of 4,000 Navajo children are yet to be provided for.

One small attempt was made to retain the enthusiasm and relieve the pressure by establishing a day school in a remote part of the reservation. Unfortunately the restriction that a day-school building must cost not over $1,000 was found to be an insuperable obstacle. In many localities this sum would be sufficient, but in a country where everything must be transported long distances from any railroads the amount is entirely inadequate.

This awakening of the Navajoes is largely ascribed to a visit made to the Chicago Exposition by a party of fifteen of their representative men. The trip was worked up by Lieut. Plummer, acting agent, funds for the purpose being furnished by the Indian Rights Association. The delegation returned amazed at what they had seen, eager to relate it to the tribe, and anxious to put their new ideas into practice. A few specimen extracts from some of their formal reports to their friends are well worth quoting:

We thought when we got back we could tell the children what we saw at the fair. That is what the agent took us there for. When we started from home we saw farms all the way. They don't lay around in the sun. There lots of white people work all the time for a living. I never dreamed of what I saw there. Now I have seen it. Coming back I never slept for thinking of it. You should let your children go to school. No difference how much you love them, better let them go to school.

I have wished a thousand times since I came back that I was a boy so I could put myself in school. I have put two children in, and a neighbor has put one in.

The headmen were ashamed of their hogans after seeing the houses the white men lived in. I have told the people that after we traveled for a night and a day, the white people were taking care of the earth all the way. Look at our country: we ought to be ashamed of it. Look at the difference.

The white people are like ants, industrious, working all the time; they are thick; coming and going all the time. Before, we thought the agent told lie when he told us how many white people there are. All believe now because so many of us saw. To see the progress of the white man, like the corn growing from the seed fast in one season. Old things are like the seed. From the old to the new is like from the carita [Mexican cart with wheels of solid wood] to a Studebaker wagon.

We saw nice trains on the road, but a fine one at the fair. Indians not fit to ride in it. It seems that other tribes are ahead of the Navajoes. When I saw the big guns I told the medicine men what did they mean by telling the young men that they could protect the Navajoes against all the whites. Two white men with one of these guns could whip all the Navajo tribe.

I was asked by an ignorant Indian from Cotton Weed Wash if there were more white men than Navajoes. I showed him the dust and grass, and told him I could just as soon try to count the white people; that they lived on the water as well as on the land. Then he sat down and wanted me tell him all I saw. I told him I could not if I talked till I was gray.

The following table shows the increase in average attendance of Indian pupils during a series of years:

TABLE 3.—*Number of Indian schools and average attendance from 1877 to 1894.*

Year.	Boarding schools.		Day schools.*		Totals.	
	Number.	Average attendance.	Number.	Average attendance.	Number.	Average attendance.
1877	48	.....	83	.....	131	3,508
1878	49	.....	119	.....	168	4,142
1879	52	.....	107	.....	159	4,488
1880	60	.....	109	.....	169	4,651
1881	68	3,888	106	4,221	174	4,976
1882	71	2,755	54	1,311	125	4,066
1883	75	2,599	64	1,443	139	4,042
1884	86	4,358	76	1,757	162	6,115
1885	114	6,201	86	1,942	200	8,143
1886	115	7,260	99	2,370	214	9,630
1887	117	8,020	110	2,500	227	10,520
1888	126	8,705	107	2,715	233	11,420
1889	136	9,146	103	2,406	239	11,552
1890	140	9,865	106	2,367	246	12,232
1891	146	11,425	110	2,163	256	13,588
1892	149	12,422	126	2,745	275	15,167
1893	156	13,635	119	2,668	275	16,303
1894	157	14,457	†115	2,639	272	17,096

*Public schools attended by Indian children included in the average attendance but not in the number of schools.

†This does not include four Eastern Cherokee schools discontinued during the past year, but to be resumed this year.

COMPULSORY ATTENDANCE.

The course outlined in my last report relative to obtaining pupils for nonreservation schools only with the voluntary consent of their parents or near relatives has been strictly adhered to. No children have been forced to attend schools away from their reservation homes.

This policy, adopted by the office last year, was enacted into law by Congress at its last session in the following item of the Indian appropriation act:

SEC. 11. That no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child, if either of them are living, and if neither of them are living without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent or other employé of the Government to induce, or seek to induce, by withholding rations or by other improper means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any reservation.

The effect of this policy, which is well understood among all the Indians, has been only salutary, and the result which was anticipated, viz, that it would ultimately increase the attendance at nonreservation schools, has already begun to be realized. The report of the superintendent of Haskell Institute at Lawrence, Kans., contains the following:

With a capacity of 500 there has been an average attendance for the year of 490½. Formerly a very large percentage of our pupils came from the Oneidas of Wisconsin,

the Sioux of Dakota, the Indians of Michigan, and from various other points at a distance, while during the past year we have been expected to draw from Kansas and the Indian Territory only. There are many discouraging features in the collection of pupils for nonreservation schools; but as they grow older and their reputation, as in the case of Haskell, spreads, the number of applications from Indian youth at various agencies for entry materially increases. It is somewhat remarkable, as well as encouraging, to note that during the month of June 37 new pupils arrived, unaccompanied by escort and without solicitation.

Of course, upon reservations the knowledge on the part of the Indians that rations can be withheld quickens the interest of ignorant or careless parents in school attendance. But even then the chief motor power is ceaseless moral suasion on the part of the agents, superintendents, missionaries, and all connected, officially or otherwise, with the business of Indian civilization.

NEW WORK.

Schools.—The three new boarding schools which my last report stated were ready for opening with the new school year have been successfully maintained at Round Valley, Cal.; Grand River, Standing Rock Reservation, N. Dak.; and Rainy Mountain, Kiowa Reservation, Okla. A much-needed boarding school among the White Mountain Apaches has been substituted for the day school at that far-off point. After being closed for two years, owing to the burning of its buildings, the boarding school at Fort Peck Agency was reopened last March in the buildings vacated during the past year by the Fort Peck military post. These buildings can easily be made to accommodate 150 pupils. Their old-time interest in schools was immediately manifested by the Fort Peck Indians by promptly running the enrollment up to 132. Two new day schools have been opened among the Moquis Apaches, one among the Mission Indians in California, four among the Sioux at Pine Ridge, and three among the Rosebud Sioux.

A few day schools have been discontinued because boarding schools were substituted, or because, for other reasons, they were not needed.

Buildings.—The burned Winnebago buildings have been rebuilt and occupied. The Albuquerque, Grand Junction, Fort Totten, Mount Pleasant, Mescalero, Rainy Mountain, Seger Colony, Crow Creek, and Hoopa Valley schools have been given important additions to their respective plants. At Pine Ridge 11 day school buildings for recitations and 12 industrial cottages, to be occupied by teachers, have been completed or are now in course of construction. Three such school buildings and cottages are under way at Rosebud. Some of these are for new schools to be opened this coming fall, but most of them are to replace wretched, makeshift buildings, which had been utilized and made to hold together while the experiment of establishing camp schools in the respective districts was being put to the test. Arrangements are in progress for putting up buildings in which new boarding schools shall be established at Fort Berthold and Lac du Flambeau; for replacing

the worn-out building at Lower Brulé with a new plant; for replacing building burned at Neah Bay; for making additions to the Menomonee and Seneca schools; and for giving the Walker River day school a building which will afford decent facilities for school work, something which it has not had hitherto.

NEEDS.

The Jicarilla Apaches and Southern Utes have no schools of any kind on their reservations. They could send their children to the not distant training schools at Grand Junction and Fort Lewis, Colo., and Albuquerque and Santa Fé, N. Mex., but they are very averse to doing so, and moreover the civilizing object-lesson influence of a school in their midst is one of their greatest needs. The immediate and extraordinary needs of the Navajoes have already been spoken of. The Rosebud Sioux are still without any boarding school whatever. Some of the La Pointe Agency reservations besides Lac du Flambeau ought to have boarding schools. This subject is taken up again under the next heading.

The buildings at Fort Stevenson and Pine Ridge, as well as Neah Bay, which have been burned during the year must be replaced. Enlargement or improvement of buildings, or both, are called for almost everywhere, and this takes no account of repairs which, upon hundreds of buildings subject to the hard usage of children, must be extensive, expensive, and continuous.

Among the crying needs throughout the Indian school service are improved sewerage and water supplies. Only a few schools are able to report good hygienic conditions as to sewerage, or as to sufficient water supply for domestic use and protection against fire, and, when it is needed, for irrigation. Such defects are serious, and usually can not be remedied without a considerable expense at the outset; but the expense would undoubtedly prove economy in the end, even without taking into account the incalculable value of human health and life.

SCHOOL APPROPRIATIONS.

As stated in my last annual report, my estimate for school appropriations for the current fiscal year were less by $83,897 than the appropriation for the preceding year. Those estimates had been prepared with utmost care and included only absolutely necessary items, and I said: "In my opinion, any reduction in the amounts asked for will to just that extent reduce the efficiency of the service and retard its progress." Congress, however, saw fit to reduce the appropriation below the estimate. I shall do what I can to carry on and improve the school service just so far as the appropriation will allow.

The following is a table of school appropriations for a series of years:

TABLE 4.—*Annual appropriations made by the Government since the fiscal year 1877 for the support of Indian schools.*

Year.	Appropriation.	Per cent increase.	Year.	Appropriation.	Per cent increase.
1877	$20,000		1887	$1,211,415	10
1878	30,000	50	1888	1,179,916	*2.6
1879	60,000	100	1889	1,348,015	14
1880	75,000	25	1890	1,364,568	1
1881	75,000		1891	1,842,770	35
1882	135,000	80	1892	2,291,650	24.3
1883	487,200	260	1893	2,315,612	0.9
1884	675,200	38	1894	2,243,497	*3.5
1885	992,800	47	1895	2,060,695	*8.87
1886	1,100,065	10			

* Decrease.

It could not reasonably be expected that appropriations for Indian schools would continue to increase indefinitely; and to maintain a school plant of course does not cost so much as to establish it. But the Indian school plant is not yet fully established. There are gaps and omissions in all directions. For instance, at several agencies the school accommodations of all kinds are 50 per cent, or less than that of the school population, as follows:

	Per cent.
Colorado River, Ariz	50
Tongue River, Mont	50
Uintah and Ouray, Utah	47
Eastern Cherokees, N. C	44
Western Shoshone, Nev	41
Nevada, Nev	41
Moquis, Ariz	30
Pima and Papago, Ariz	30
San Carlos, Ariz	25
Navajoes, Ariz	04
Jicarilla, N. Mex	0
Southern Ute, Colo	0

Many other tribes have but little over 50 per cent of their children provided for.

TEACHERS' INSTITUTES.

A series of five institutes for workers in Indian schools has been held during the past summer at Chilocco, Okla.; Santa Fé, N. Mex.; Salem, Oreg.; Helena, Mont.; and St. Paul, Minn. They continued for one week each, and were arranged and conducted by the superintendent of Indian schools, assisted by school superintendents and employés in the field, and others. Details as to these institutes, which proved to be of great interest and value, will be found in the report of the superintendent of Indian schools, on page —.

Many other subjects of interest and importance connected with the Indian school service, plans for its advancement in the future, with

information as to its condition and needs as found during his tour of personal observation, are discussed by Supt. Hailman in his report, to which I invite careful attention.

SCHOOL COMMITTEES AMONG INDIANS.

The attempt to interest Indians in securing the attendance of their children at school and to obtain their active cooperation in putting and keeping them there is showing good results. In the Seger colony, Oklahoma, it has been particularly effective, and Supt. Seger's annual report contains the following description of the methods pursued and the success attained:

> Early in the year word was given out that there would be chosen five Indians to serve as a school committee with whom the superintendent would counsel in regard to the school matters, and who would be required to visit the school and inspect and thoroughly acquaint themselves with the teaching and treatment their children were receiving. The duties laid out for them were numerous and varied. I had some misgivings as to whether there would be found good men who would be willing to serve on this committee, as there was no pay connected with it. Yet when word was given out that the Indians should nominate a number of men from whom would be chosen the five required, and when the nominations were handed in, it was found that there were so many good men named that it was no trouble to choose the five suited for the place. To this school committee is due much of the satisfaction, harmony, and cordiality, and through it regular attendance has been maintained all through the school year.

In this connection I append another extract from that report showing how this remote camp boarding school is identifying itself with the interests of the white community which is rapidly approaching it.

> Last October the school made an exhibit at the district fair at El Reno, Okla., 60 miles from this school. The exhibit took twelve premiums and diplomas, $36 in cash premiums, the most important of which was a $25 premium on the best collection of home products. This was taken not in competition with other Indians and schools, but with the surrounding country. We also took two premiums on brood mares and one on a colt. When the fair delegation came home with the blue and pink ribbons and the diplomas the children displayed as much enthusiasm as white children; and why not?

LOCATION AND CAPACITY OF GOVERNMENT SCHOOLS.

The following tables show in detail the location, capacity, and attendance of nonreservation training schools: the location, capacity, and date of establishing the various Government reservation boarding schools, and the location and capacity of Government day schools:

TABLE 5.—*Location, average attendance, capacity, etc., of nonreservation training schools during the fiscal year ended June 30, 1894.*

Name of school.	Date of opening.	Number of employés.	Rate per annum.	Capacity.	Enrollment.	Average attendance.
Carlisle, Pa	Nov. 1, 1879	70	$167.00	*800	723	656
Chemawa, Oreg	Feb. 25, 1880	26	175.00	300	250	220
Fort Stevenson, N. Dak	Dec. 18, 1883	24	.....	150	130	128
Chilocco, Okla	Jan. 15, 1884	44	167.00	350	279	250
Genoa, Nebr	Feb. 20, 1884	43	167.00	400	349	257
Albuquerque, N. Mex	Aug. —, 1884	58	175.00	300	290	256
Haskell, Kaus	Sept. 1, 1884	46	167.00	500	570	485
Grand Junction, Colo	——, 1886	13	175.00	130	110	99
Santa Fé, N. Mex	Oct. —, 1890	24	175.00	†175	152	‡76
Fort Mojave, Ariz	Oct. —, 1890	14	167.00	150	143	135
Carson, Nev	Dec. —, 1890	22	175.00	150	107	77
Pierre, S. Dak	Feb. —, 1891	20	167.00	180	133	102
Phœnix, Ariz	Sept. —, 1891	27	175.00	150	157	132
Fort Lewis, Colo	Mar. —, 1892	40	.....	300	135	120
Fort Shaw, Mont	Dec. 27, 1892	31	.....	250	233	194
Perris, Cal	Jan. 9, 1893	14	167.00	125	120	90
Flandreau, S. Dak	Mar. 7, 1893	13	.....	150	110	91
Pipestone, Minn	Feb. —, 1893	9	167.00	75	72	61
Mount Pleasant, Mich	Jan. 3, 1893	28	167.00	160	178	113
Tomah, Wis	Jan. 19, 1893	10	167.00	125	109	67
Total	.....	.....	.....	4,920	4,350	3,609

* With outing system.
† When new hospital building is provided.
‡ Average from July 1 to September 30, 1893. The school was then suspended, and reopened March 1, 1894.

TABLE 6.—*Location, capacity, and date of opening of Government reservation boarding schools.*

Location.	Capacity.	Date of opening.	Remarks.
Arizona:			
Colorado River	100	Mar., 1879	
Keam's Canyon	100	——, 1887	
Navajo Agency	100	Dec., 1881	
Pima	150	Sept., 1881	
San Carlos	100	Oct., 1880	
White Mountain Apache	50	Feb., 1894	
California:			
Fort Yuma	250	Apr., 1884	
Hoopa	75	Jan. 21, 1893	
Round Valley	30	Sept. 12, 1893	
Idaho:			
Fort Hall	200	——, 1874	
Fort Lapwai	200	Sept., 1886	
Lemhi	40	Sept., 1885	
Indian Territory:			
Quapaw	110	Sept., 1872	
Seneca, Shawnee, and Wyandotte	125	June, 1872	Begun by Friends as orphan asylum 1867, under contract with tribe.
Kansas:			
Kickapoo	*30	Oct., 1871	
Pottawatomie	75	——, 1873	
Sac and Fox and Iowa	50	——, 1871 Sept., 1875	Iowa. Sac and Fox.
Minnesota:			
Leech Lake	50	Nov., 1867	
Pine Point	60	Mar., 1892	Prior to this date a contract school opened in November, 1888.
Red Lake	50	Nov., 1877	
White Earth	110	——, 1871	
Wild Rice River	60	Mar., 1892	Prior to this date a contract school opened in November, 1888.
Montana:			
Blackfeet	110	Jan., 1883	
Crow	100	Oct., 1884	
Fort Belknap	110	Aug., 1891	
Fort Peck	150	Aug., 1881	Buildings burned November, 1891, and September, 1892, reopened March, 1894.
Nebraska:			
Omaha	80	——, 1881	
Santee	†100	Apr., 1874	
Winnebago	80	Oct., 1874	

* Also 40 day pupils. † Also 20 day pupils.

TABLE 6.—*Location, capacity, etc., of Government reservation boarding schools*—Cont'd.

Location.	Capacity.	Date of opening.	Remarks.
Nevada:			
Pyramid Lake	80	Nov., 1882	
Western Shoshone	50	Feb. 11, 1893	Previously a semi-boarding school.
New Mexico:			
Mescalero	50	Apr., 1884	
North Dakota:			
Fort Totten	425	——, 1874 Jan., 1891	At agency. At Fort Totten.
Standing Rock, agency	110	May, 1877	
Standing Rock, agricultural	100	——, 1878	
Standing Rock, Grand River	100	Nov., 1893	
North Carolina:			
Eastern Cherokee	100	Jan. 1, 1893	Prior to this date a contract school opened in 1885.
Oklahoma:			
Absentee Shawnee	70	May, 1872	
Arapaho	110	Dec., 1875	Started under the auspices of the Friends in 1872.
Cheyenne	200	——, 1879	
Fort Sill	125	Aug., 1891	
Kaw	60	Dec., 1869 Aug., 1874	In Kansas. In Indian Territory.
Osage	160	Feb., 1874	
Otoe	75	Oct., 1875	In Nebraska.
Pawnee	125	——, 1865 ——, 1878	Do. In Indian Territory.
Ponca	100	Jan., 1882	
Rainy Mountain	50	Sept., 1893	
Riverside (Wichita)	60	Sept., 1871	
Sac and Fox	100	——, 1868 Apr., 1872	In Kansas. In Indian Territory.
Seger Colony	60	Jan. 11, 1893	
Washita (Kiowa)	150	Feb., 1871	
Oregon:			
Grande Ronde	*70	Apr., 1874	
Klamath	125	Feb., 1874	
Siletz	90	Oct., 1873	
Simnasho	75	Aug., 1882	
Umatilla	100	Jan., 1883	
Warm Springs	60	June, 1884	
Yainax	90	Nov., 1882	
South Dakota:			
Fort Bennett	50	Jan., 1874 ——, 1880	Girls' school. Boys' school.
Forest City	120	Apr. 1, 1893	
Crow Creek	135	——, 1874	
Lower Brulé	70	Oct., 1881	
Pine Ridge	200	Dec., 1883	
Sisseton	125	——, 1873	
Yankton	125	Feb., 1882	
Utah:			
Ouray	80	Apr., 1893	
Uintah	80	Jan. 1881	
Washington:			
Neah Bay	75	July, 1868	
Chehalis	60	Jan., 1873	
Okanagan	75	——, 1890	
Puyallup	150	June, 1871	
Quinaielt	40	——, 1868	
S'Kokomish	60	Dec., 1866	
Yakima	130	——, 1860	
Wisconsin:			
Menomonee	125	——, 1876	
Oneida	80	Mar. 27, 1893	
Wyoming:			
Shoshone	150	Apr., 1879	
Total	7,845		

*Also 40 day pupils.

TABLE 7.—*Location and capacity of Government day schools, June 30, 1894.*

	Capacity.
Arizona:	
Moqui Reservation—	
Oreiba	40
Polacca	50
California:	
Big Pine*	35
Bishop*	40
Manchester*	30
Mission, 9 schools	283
Potter Valley*	50
Ukiah*	40
Upper Lake*	45
Indian Territory:	
Peoria	25
Iowa:	
Sac and Fox	40
Michigan:	
Baraga	50
L'Anse	30
Minnesota:	
Birch Cooley	36
Montana:	
Tongue River	30
Nevada:	
Wadsworth	30
Walker River	30
New Mexico:	
Pueblo—	
Cochiti	30
Laguna	40
Santa Clara	30
Zia	35
North Carolina:	
Eastern Cherokee, 4 schools†	167
North Dakota:	
Devils Lake, Turtle Mountain, 3 schools	150
Standing Rock, 5 schools	180
Oklahoma:	
Ponca, etc., Oakland	20
Oregon:	
Hot Creek	25
South Dakota:	
Forest City, 4 schools	100
Pine Ridge, 24 schools	820
Rosebud, 18 schools	619
Washigton:	
Lummi	50
Neah Bay, Quillehute	60
Puyallup—	
Jamestown*	30
Port Gamble*	24
Wisconsin:	
Green Bay, 4 schools	224
La Pointe, 7 schools	246
Total capacity	3,734
Total number of schools	‡100

*Not on reservation.

† These schools were suspended during the year.

‡ The four Eastern Cherokee schools are not included.

PUBLIC SCHOOLS.

The placing of Indian children in public schools of the States in which their homes are located has made some advance during the year, but not so great as I hoped for. The present status of this attempt to

run Indian schooling into the regular educational channels of the country is shown by the following table:

TABLE 8.—*Public schools at which Indian pupils were placed under contract with th Indian Bureau during the fiscal year ending June 30, 1894.*

	Pupils.
California:	
Helm	13
Meadow View	11
Round Valley	30
Minnesota:	
School District No. 4	6
School District No. 7 (independent)	3
Nebraska:	
Pium Valley District	5
School District No. 1	15
School District No. 3	1
School District No. 36	8
Oklahoma:	
School District No. 18	18
School District No. 29	8
School District No. 30½	8
School District No. 47	4
School District No. 58	3
School District No. 71	3
School District No. 74	10
Oklahoma—Continued.	Pupils.
School District No. 77	13
School District No. 82	8
School District No. 83	2
School District No. 90	2
Oregon:	
District No. 32	3
South Dakota:	
Bad River District, Stanley County	12
Utah:	
District No. 12, Box Elder County	40
Washington:	
District No. 10, Pierce County	1
District No. 53, Skagit County	8
District No. 87, King County	12
Wisconsin:	
Town of Ashland	12
Total	259

The strange language and the uncouth customs—barriers which the public schools are intended to break down—are the very obstacles which prevent the entrance of the naturally shy and usually poorly fed and meagerly clad Indian child into a public school. The need of special schools for Indian youth in which they shall have specially adapted help for becoming assimilated in thought and habits with their inexorable civilized surroundings will continue many years. But there are small groups of Indians scattered all over the country for whom no such schools can be provided. Moreover, the ultimate end of "absorbing" our small Indian population into our school system, as well as our civil polity, must be kept constantly in view and every effort made, by pressure and persuasion, to increase the attendance of Indian pupils at public schools.

So far as this office is concerned, the persuasion consists largely in offering to every public school district which has Indian children within its limits the sum of $10 per pupil per quarter for all Indian children actually attending the school, such compensation to be computed on their average attendance. The terms are as follows:

The party of the second part [the school district] for and in consideration of the compensation herinafter named, agrees:

To admit to the public school maintained at public expense in school district named ——— during the fiscal year ending June 30, 1895, ——— Indian pupils, which Indian pupils shall be entitled to all the privileges of white pupils attending said school.

To instruct such Indian pupils in classes with the white children (except as provided hereinafter) in the common English branches, giving to each of said Indian pupils the same care and attention in matter and methods of instruction as is given to the white pupils in said classes and school.

To maintain a separate primary class in case five or more Indian pupils enter the school at one time, all of whom are ignorant of the English language, in which instruction shall be given at least forty minutes of each day with special reference to teaching them to converse in English. The Indian pupils to be advanced to classes containing white children as soon as their knowledge of English makes their instruction with white children practicable.

To supply the said pupils with all schoolbooks, slates, slate pencils, lead pencils, pens, ink, paper, school appliances, and other articles necessary and usually found in a properly conducted public school among the whites.

To protect the pupils included in this contract from ridicule, insult, and other improper conduct at the hands of their fellow-pupils, and to encourage them in every reasonable manner to attend school exercises punctually, regularly, and to perform their duties with the same degree of interest and industry as their fellow-pupils, the children of white citizens.

To report concerning the attendance and progress of said pupils and upon blank forms to be furnished by the party of the first part.

To enroll as pupils under this contract no Indian pupils under 5 or over 21 years of age, and no mixed bloods whose parents, or either of them, are owners of taxable real estate in the district aforesaid or in the State or Territory in which the school named herein is situated, except by special permission of the Commissioner of Indian Affairs.

This gives to school districts in sparsely settled communities encouragement to open and substantial help in supporting their schools, and insures to their Indian element a welcome into public school life which it might otherwise miss.

In order to give wider publicity to this matter and especially to enlist the interest and assistance of State school officers in furthering it, I addressed the following letter on the 4th of May last to the superintendents of public instruction in the States where Indian tribes are found:

In its efforts to civilize the Indians and to assimilate them with the white population of the United States in habits of industry, thrift and self-reliance, the Indian Office has found that no agency produces gratifying results more speedily than the public schools to which children of Indians have been admitted, and where they have been educated in company with the children of their white neighbors. It is to be noted furthermore that, in accordance with all reports on the subject, the presence of children of Indian parentage in public schools in no case has operated as a hindrance or injury to the respective schools.

It is, consequently, the desire and hope of the Indian Office that the public schools of the States and Territories inhabited partly by Indians may open their doors more and more freely to these docile and intelligent wards of the nation, and as a step in this direction the Indian Office would solicit your active cooperation in its efforts to bring about this desirable condition.

The Indian Office is prepared to enter into contract with the trustees of public district schools, as well as with the trustees of public schools of the towns and cities, for the instruction of Indian children, under suitable conditions, and will agree to pay for such instructions $10 per quarter of three months for every Indian child in actual attendance at such schools.

I would respectfully ask you to bring this matter to the notice of school authorities in your State, with such words of encouragement as you may deem proper. At the same time, the Superintendent of Indian Schools at Washington, D. C., is ready to correspond further with you upon this subject and to furnish you whatever data he may possess.

Applications for contracts by trustees of public schools should be addressed to this office. They should state the number of children for which contract is desired, the average number of children attending the school, and the number of teachers employed in the school, and should be accompanied, if possible, with a printed or written copy of the course of study pursued in the school.

Many cordial replies have been received, indicating a readiness on the part of the State school officials to cooperate with this office in putting Indian youth into public schools, and the matter will be pushed vigorously during the coming school year. This subject is referred to by the Superintendent of Indian Schools, on pages —— and ——, of his annual report.

GOVERNMENT AID TO CONTRACT SCHOOLS.

The amount set apart for the current fiscal year for contract schools is shown in detail in the following table; also the amount set apart for the previous year:

TABLE 9.—*Schools for Indians conducted under contract, with number of pupils contracted for, rate per capita per annum, and total amounts required for fiscal years ending June 30, 1894, and June 30, 1895.*

Location of school.	Rate per capita per annum.	1894.		1895.	
		Number allowed.	Amount required.	Number allowed.	Amount required.
Avoca boarding, Minnesota	$108	35	$3,780	.....	.....
Baraga, Michigan (Chippewa boarding)	108	50	5,400	45	$4,860
Bayfield boarding, Wisconsin	125	30	3,750	30	3,750
Bernalillo boarding, N. Mex.	125	60	7,500	60	7,500
California:					
Hopland day	30	20	600	20	600
St. Turibius day	*30	20	600	30	*3,240
Ukiah day	30	20	600	20	600
Pinole day	30	20	600	20	600
Colville Agency, Wash.:					
Colville boarding	108	65	7,020	65	7,020
Coeur d'Alène boarding	108	70	7,560	70	7,560
Crow Creek Agency, S. Dak.:					
Immaculate Conception boarding	108	95	10,260	60	6,480
Crow Agency, Mont.:					
St. Xavier's Mission boarding	108	105	11,340	85	9,180
Devils Lake Agency, N. Dak.:					
St. Mary's boarding, Turtle Mountain	108	130	14,040	130	14,040
Fort Belknap Agency, Mont.:					
St. Paul's boarding	108	150	16,200	135	14,580
Graceville boarding, Minnesota	108	50	5,400	50	5,400
Green Bay Agency, Wis.:					
St. Joseph's boarding	108	130	14,040	130	14,040
Harbor Springs boarding, Michigan	108	95	10,260	95	10,260
La Pointe Agency, Wis.:					
Red Cliff day	30	30	900	30	900
Bad River day	30	20	600	15	450
Bayfield day	30	30	900	30	900
Lac Court d'Oreilles day	30	40	1,200	40	1,200
St. Mary's boarding	108	50	5,400	50	5,400
Morris boarding, Minn.	108	90	9,720	80	8,640
North Yakima boarding, Wash.	108	50	5,400	35	3,780
Osage Agency, Okla.:					
Pawhuska boarding	125	50	6,250	50	6,250
Hominy Creek boarding	125	40	5,000	40	5,000
Pine Ridge Agency:					
Holy Rosary boarding	108	125	13,500	140	15,120
Holy Rosary boarding (supplemental)	108	50	5,400	.....	.....
Pueblo Agency, N. Mex.:					
Acoma day	30	25	750	25	750
Isleta day	30	30	900	30	900
Laguna day (Pahuate)	30	25	750	25	750

* In 1894 this was made a boarding school and $108 per pupil allowed instead of $30.

TABLE 9.—*Schools for Indians conducted under contract, etc.*—Continued.

Location of school.	Rate per capita per annum.	1894.		1895.	
		Number allowed.	Amount required.	Number allowed.	Amount required.
Pueblo Agency, N. Mex.—Continued.					
Jemez day	$30	35	$1,050	35	$1,050
San Juan day	30	22	660	22	660
Santo Domingo day	30	25	750	25	750
Taos day	30	20	600	20	600
Rosebud Agency, S. Dak.:					
St. Francis boarding	108	95	10,260	95	* 10,260
San Diego boarding, California	125	95	11,875	95	11,875
Sac and Fox Agency, Okla.:					
Sacred Heart boarding	108	50	5,400	40	4,320
St. Peter's Mission boarding, Montana	108	180	19,440	180	19,440
St. Catherine's boarding, Santa Fe, N. Mex	125	100	12,500	.....	.....
Shoshone Agency, Wyo.:					
St. Stephen's boarding	108	75	8,100	65	7,020
Tongue River Agency, Mont.:					
St. Labre's boarding	108	40	4,320	40	4,320
Tulalip Agency, Wash.:					
Tulalip boarding	108	100	10,800	100	10,800
White Earth Agency, Minn.:					
St. Benedict's orphan boarding	108	90	9,720	90	9,720
Red Lake boarding	108	40	4,320	40	4,320
Crow Reservation, Mont.:					
Montana Industrial boarding	108	50	5,400	50	5,400
Crow Creek Agency, S. Dak.:					
Grace Howard Mission Home	.....	30	3,000	30	3,000
Greenville boarding, California	†75	40	1,800	40	†4,320
Greenville day, California	30	20	240	.....	.....
Halstead boarding, Kansas	125	30	3,750	30	3,750
Omaha Reservation, Nebr.:					
Mission boarding	108	45	4,860	.....	.....
Plum Creek boarding, Leslie, S. Dak	108	25	2,700	15	1,620
Point Iroquois day, Bay Mills, Mich	30	30	900	20	600
Santa Fé boarding, New Mexico	125	50	6,250	.....	.....
Santa Fé boarding, New Mexico (supplemental)	125	15	1,875	.....	.....
Sisseton Agency, S. Dak.:					
Goodwill Mission boarding	108	60	6,480	.....	.....
Shoshone Agency, Wyo.:					
Mission boarding	108	20	2,160	20	2,160
Springfield, S. Dak., Hope boarding	108	45	4,860	45	4,860
Tucson boarding, Arizona	125	150	18,750	.....	.....
Tucson boarding, Arizona (supplemental)	125	50	6,250	.....	.....
Wittenberg boarding, Wisconsin	108	140	15,120	140	15,120
Total	.....	.....	359,810	.....	285,715
SCHOOLS SPECIALLY APPROPRIATED FOR BY CONGRESS.					
Banning boarding, California	125	100	12,500	100	12,500
Blackfeet Agency, Mont.:					
Holy Family boarding	125	100	12,500	100	12,500
Clontarf boarding, Minnesota	150	100	15,000	100	15,000
Flathead Agency, Mont.:					
St. Ignatius Mission boarding	150	300	45,000	300	45,000
Rensselaer boarding, Indiana	.....	60	8,330	60	8,330
St. Benedict's boarding, St. Joseph, Minnesota	150	50	7,500	50	7,500
St. John's boarding, Collegeville, Minnesota	150	50	7,500	50	7,500
White's Manual Labor Institute, Wabash, Indiana	167	60	10,020	60	10,020
Hampton Institute, Virginia	167	120	20,040	120	20,040
Lincoln Institution, Philadelphia, Pa	167	200	33,400	200	33,400
Kate Drexel Industrial School, Umatilla Agency, Oreg	100	60	6,000	60	6,000
Total	.....	.....	177,790	.....	177,790

* In 1894 $108 per pupil was allowed instead of $75.

It will be seen from the foregoing table that for contract schools, not specifically appropriated for, a reduction has been made from last year of $74,095, or over 20 per cent. Contracts have been declined or reduced wherever it could be done without depriving children of school privileges.

The following item, inserted in the Indian appropriation act for this year, and the debates in Congress while the bill was under discussion, seem to look in the same direction of gradually discontinuing Government aid to schools for Indians carried on under private control:

The Secretary of the Interior is hereby directed to inquire into and investigate the propriety of discontinuing contract schools, and whether, in his judgment, the same can be done without detriment to the education of the Indian children; and that he submit to Congress at the next session the result of such investigation, including an estimate of the additional cost, if any, of substituting Government schools for contract schools, together with such recommendations as he may deem proper.

The amounts allowed for contract schools, aggregated and compared with former years, are as follows:

TABLE 10.—*Amounts set apart for education of Indians in schools under private control for the fiscal years 1889 to 1895, inclusive.*

	1889.	1890.	1891.	1892.	1893.	1894.	1895.
Roman Catholic	$347,672	$356,957	$363,349	$394,756	$375,845	$389,745	$359,215
Presbyterian	41,825	47,650	44,850	44,310	30,090	36,340	.....
Congregational	29,310	28,459	27,271	29,146	25,736	10,825	.....
Episcopal	18,700	24,876	29,910	23,220	4,860	7,020	7,020
Friends	23,383	23,383	24,743	24,743	10,020	10,020	10,020
Mennonite	3,125	4,375	4,375	4,375	3,750	3,750	3,750
Unitarian	5,400	5,400	5,400	5,400	5,400	5,400	5,400
Lutheran, Wittenberg, Wis.	4,050	7,560	9,180	16,200	15,120	15,120	15,120
Methodist	2,725	9,940	6,700	13,980	.....	.....	.....
Mrs. L. H. Daggett	.....	.....	.....	.....	*6,480	.....	.....
Miss Howard	275	600	1,000	2,000	2,500	3,000	3,000
Appropriation for Lincoln Institution	33,400	33,400	33,400	33,400	33,400	33,400	33,400
Appropriation for Hampton Institute	20,040	20,040	20,040	20,040	20,040	20,040	20,040
Woman's National Indian Association	.....	.....	.....	.....	.....	2,040	4,320
Point Iroquois, Mich	.....	.....	.....	.....	.....	900	600
Plum Creek, Leslie, S. Dak.	.....	.....	.....	.....	.....	.....	1,620
Total	529,905	562,640	570,218	611,570	533,241	537,600	463,505

*This contract was made in 1892 with the Board of Home Missions of the Methodist Episcopal Church. As that organization did not wish to make any contracts for 1893, the contract was renewed with Mrs. Daggett.

FIELD MATRONS.

The purpose and method of field matron work among Indians, especially among Indian women in their homes, were set forth in detail in my last annual report and need not be repeated here.

Indians, like other people, can not be transformed by legislation or any wholesale action. Moreover, legislation is usually the result of earnest individual effort by which a majority is worked up to demand the enactment of laws whose provisions they are, on the whole, intelligently prepared to carry out. With the Indian it is the reverse. The white man has legislated for him. His circumstances are not an outgrowth from himself, but something to which he must grow up—an unnatural process, but inevitable when civilization and barbarism collide. Therefore, the individual work which would naturally precede a change in his political or social status must come afterwards. This hand to hand work must be done by men and women for men and

women; and in no capacity will it count for more than when it pertains to home life.

It is only four years ago that Congress made its first provision for carrying on field matron work, and as the appropriations beginning with $3,000 have not yet exceeded $5,000 per annum, it would not be reasonable at this time to look for widespread and remarkable results. One field matron among 3,000 Indians, for instance, will not revolutionize them in one or two years. Nevertheless, valuable and noteworthy results are already manifest.

In a small band of a few hundred Indians who previously had sturdily resisted all civilizing influences, especially schools, the field matron has gathered the children into school and obtained a strong hold for good upon every family. At another point sewing schools, weekly clubs, and simple Sabbath services have brought to the young men and women self respect, something hopeful and widening in their narrow lives of poverty, dirt, and degradation, until they have dared to be "progressive." Elsewhere an agent reports of the field matron: "The benefits of her work are evident in many ways. Some of the most desperate characters of the tribe who have come under her influence have developed into steady, hard-working men." Very naturally he asks for several more such matrons. On two remote reservations the field matrons find their training as physicians of incalculable value in relieving suffering and enlightening ignorance of the ordinary laws of health. Everywhere this field matron work modifies outward forms and touches the mainsprings of life and character, and slowly develops a finer womanhood, childhood, and manhood. It is a subtle force which enlightens, strengthens, removes prejudices, and breaks down barriers. It is a powerful ally of the schools, and from that point of view alone calls for extension.

In July last an estimate was submitted to Congress asking that the field matron appropriation be increased from $5,000 to $19,680; but this request was not granted.

ALLOTMENTS AND PATENTS.

The progress made in allotment work since the last annual report is as follows:

ON RESERVATIONS.

Patents issued last year have been delivered to the following Indians:

Sisseton and Wahpeton Sioux in North Dakota and South Dakota	1,339
Medawakanton Sioux on Devils Lake Reservation in North Dakota	773
Tonkawas in Oklahoma	73

Patents have been issued and delivered to the following Indians:

Pottawatomies in Kansas	151
Pawnees in Oklahoma	821
Klamath River Indians in California	125
Iowas in Kansas and Nebraska	143
Chippewas, Lac du Flambeau Reservation in Wisconsin (under treaty of 1854)	85
Chippewas, Bad River Reservation in Wisconsin (under treaty of 1854)	37
Winnebagoes in Nebraska	795

Allotments have been approved by this office and the Department, and patents are now being prepared in the General Land Office for the following Indians:

On Yankton Reservation, South Dakota	1,171
Siletz Reservation in Oregon	536
Chippewas of Lac Court d'Oreilles Reservation in Wisconsin (under treaty of 1854)	118
Chippewas of L'Anse and Vieux de Sert in Michigan (under treaty of 1854)	176

Schedules of the following allotments have been submitted by this office for the approval of the Department:

Nez Percés in Idaho	1,665

Schedules of the following allotments have been received in this office, but have not been finally acted upon:

Kickapoos in Oklahoma	276
Yakimas in Washington	1,851

Work is progressing in the field as follows:

Moqui Reservation, Ariz.—The work of alloting lands in severalty to the Indians of this reservation has been discontinued. All but a few of the Indians had made their selections, which had been properly scheduled by the allotting agent, but a small number continued their opposition to allotment work. This opposition, together with formal objections to the approval of any of the allotments presented to this office by friends of the Indians, led to a discontinuance of the work in February last.

Addition to Hoopa Valley Reservation in California.—Special Agent Turpin reports that these allotments are completed in the field. He has been ordered to report to this office for the purpose of preparing the schedules.

Mission Reservations, California.—The work of settling the Mission Indians on the several reservations selected for them by the late Mission commission is progressing satisfactorily. There are twenty-seven of these reservations, and allotments have been completed in the field, or nearly completed, upon six of them, as follows: Pala, Rincon, Potrero, Campo, Temecula, and Sycuan.

Before allotments can be made upon any Mission reserve, a patent for the reservation in common must first be issued to the Indians belonging thereon. Such patents have been issued for all the reservations

except Cahuilla, Twenty-nine Palms, San Pasqual, San Jacinto, Agua Caliente, Los Coyotes, Torros, Santa Rosa, Morrongo, and Cabezon. On three of these, Cahuilla, Agua Caliente, and Morongo, the commission recommended that allotments be made. They are large and important reservations, and it is hoped that obstacles in the way of issuing patents for them will soon be removed.

Round Valley Reservation, Cal.—The work of formally allotting the agricultural lands of this reservation was begun during the past year. These lands had been subdivided into 10-acre tracts, with the intention of allotting one tract to each Indian entitled. Owing, however, to the fact that many of the Indians who had left the reservation for the purpose of seeking their livelihood outside decided to return and take allotments, the number of Indians was found to exceed the number of tracts available for allotment. In order to supply land to all entitled thereto, the Department authorized the allotment of 5 acres only to married women whose husbands also received allotments. Although this course added considerably to the number of tracts available for allotment, the continued arrival of scattered Indians again rendered the number of tracts insufficient, and the Department accordingly authorized their settlement upon the grazing and timbered portion of the reservation. This latter portion will, for the present, be held in common by the tribe, but may, in the discretion of the President, be allotted in severalty.

Pottawatomie and Kickapoo reservations in Kansas.—As indicated in my last annual report, work among these Indians is in a rather unsatisfactory condition. The latest reports from Special Agent Aten indicate that 187 allotments remain to be made to the Pottawatomies (50 of which will probably be made within a short time), and 30 to the Kickapoos, and that these Kickapoos and 137 Pottawatomies will not voluntarily make selections.

The question whether lands shall be assigned these Indians at the expiration of the period of four years from the date of the President's order authorizing allotments to be made to them, as may be done under the provisions of the act of February 8, 1887 (24 Stats., 388), was submitted for your consideration August 23, 1894, and under your instructions of August 25, 1894, Special Agent Aten was directed, August 31, 1894, to notify the Indians that unless they made their selections within thirty days from time of notice assignments would be made to them.

Chippewa reservations, Minnesota.—The condition of allotment work among the Chippewas is given in detail on page ——.

Fort Berthold Reservation, N. Dak.—Instructions approved by the Department were issued November 20, 1893, for the guidance of Agent Grady in making allotments to the Indians of the Fort Berthold Reservation. The probability that "Crow Flies High" and his band of then roving Indians, some 200 in number, might come to the reservation and ask

for allotments was taken into consideration in estimating the quantity of land necessary to have surveyed for allotments. He and his band are now there and the work of making allotments is progressing satisfactorily. These Indians are also referred to on page — of this report.

Ponca and Otoe reservations in Oklahoma.—Special Agent Helen P. Clarke reports, August 8, 1894, that allotments have been made to 410 of the 759 Poncas and to 175 of the 352 Otoes entitled to allotments. She states that a portion of these Indians are bitterly opposed to allotments, realizing that the division of their lands in severalty will lead to ultimate civilization. She recommends that assignments be made to them at the expiration of the four years' period from the date of the President's order authorizing allotments to be made on their reservations, viz, September 6, 1890. The matter was submitted for your consideration and action August 23, 1894, and under your instructions of August 25, 1895, Special Agent Clarke was directed, August 31, 1894, to notify the Indians that unless they made their selections within thirty days from time of notice, assignments would be made to them.

Klamath Reservation, Oreg.—Special Agent Charles E. Worden was directed, May 16, 1894, to proceed to the Klamath Agency for the purpose of making allotments to the Indians of that agency, and is now engaged in the prosecution of the work.

Warm Springs Reservation, Oreg.—It is expected that work on this reservation will be completed by the first of next month.

Lower Brulé Reservation, S. Dak.—Much trouble has been experienced with the Lower Brulé Sioux, located south of White River upon the Rosebud Reservation, in trying to induce them to remove to and take allotments upon their own reservation—the Lower Brulé—where they properly belong. Many of them have removed thereto, and it is believed that most, if not all, of them will finally go to their own reservation, where they can be allotted lands as permanent homes and receive the benefits of the Sioux act of March 2, 1889 (25 Stat., 888). There are 568 of these Indians.

Rosebud Reservation, S. Dak.—Special Agent George C. Crager was given instructions for the work of making allotments to the Indians of this reservation October 13, 1893. The appropriation applicable to this work having become nearly exhausted, he was directed, February 7, 1894, to discontinue field work, and was relieved from all duty April 27, 1894. He was ordered on July 11, 1894, to resume work, and is now in the field.

Shoshone Reservation, Wyo.—Authority has been granted by the President to make allotments to the Indians of the Wind River or Shoshone Reservation in Wyoming, and instructions have been given the agent for that purpose. It is believed that these Indians will gladly receive their allotments, as they have often expressed willingness and anxiety to have them made. This work will be pushed to completion as rapidly as possible.

NONRESERVATION INDIANS.

Allotments.—The work of making allotments to nonreservation Indians has been continued in the field by Special Allotting Agent Bernard Arntzen. He has made 361 allotments since receiving his instructions, July 17, 1893.

In addition to this work, Agent Arntzen has looked after Indian homestead contest cases before various local land officers, and adjusted the allotments to the Kootenai Indians in the vicinity of Bonners Ferry, Idaho, so as to make them conform to the public surveys (the allotments there having been made first on unsurveyed lands). He has also been called upon to investigate the fishery difficulties at The Dalles, Oreg., involving the rights of the Yakima Indians, under their treaty of 1855, to fish in the waters of the Columbia River, and to use lands for ingress and egress and drying purposes.

Since my last annual report the General Land Office has transmitted to this office for consideration and action 1213 Indian allotment applications under the fourth section of the general allotment act as amended by the act of February 28, 1891 (26 Stats., 794). There are now ready for transmittal to the Department, for consideration and approval, 650 allotments under the said fourth section; 61 others were forwarded there May 10, last, and were approved on the 11th of that month. The remainder of the allotment applications on file in this office will receive the early attention of the special allotting agent on duty here.

Nonreservation Indians, realizing the fact that the unappropriated public lands are rapidly disappearing, are making efforts to find lands which may be secured as their homes. Whites have settled everywhere, and circumscribed their territory; they are hemmed in on all sides and must adopt the ways of civilization or perish.

Patents.—During the present year the first patents for lands allotted to nonreservation Indians under the fourth section of the general allotment act, as amended by the act of February 28, 1891, have been delivered. This office transmits the patents to the register and receiver of the U. S. land office embracing the land covered by the respective patents, and said officer delivers the same to the parties entitled thereto. Receipts for patents delivered, prepared by this office and filled out ready for signature, are taken by the local land officers in duplicate, one copy being forwarded by them to this office. This course is in accordance with Department instructions, dated February 5, 1894, to the Commissioner of the General Land Office and with the latter's circular letter, dated February 24, 1894, addressed to the registers and receivers of the several U. S. land offices, directing them to receive such patents from this office and to deliver the same and take duplicate receipts therefor. They are also directed to report to this office at the end of each quarter the number of patents delivered during the quarter (forwarding receipts therefor); also the number, if any, still

undelivered, giving the name of the patentee, the number of the patent, and the reasons why the same have not been delivered.

Eight hundred and four patents in favor of nonreservation Indians have been issued up to the present time, all of which have been transmitted to the proper local land officers for delivery. About one-third of the same have been delivered, and receipts therefor returned to this office. Of said 804 patents, 490 were in favor of Indians of the Wintu, Hat Creek, Pitt River, Sonwas, and other tribes residing in the Redding, Cal., land district. Others were distributed in land districts indicated by local offices, as follows: Helena, Mont., 90; Ashland, Wis., 37; Independence, Cal., 34; Carson City, Nev., 31; Vancouver, Wash., 21, and Cœur d'Aléne, Idaho, 15. The remainder were widely distributed, being for lands located in a dozen or more States and Territories and twice that number of land districts.

IRRIGATION.

Crow Reservation.—A complete system of irrigation on this reservation is in course of construction under the supervision of Walter H. Graves, who is making satisfactory progress.

Fort Peck and Blackfeet Reservations.—Construction of canals on these two reservations has been commenced with the intention of completing systems of irrigation sufficiently extensive to place enough land under water for the needs of the Indians.

Fort Hall Reservation.—The Indian appropriation act for the current year contains a clause directing the Secretary of the Interior to contract with responsible parties for the construction of irrigating canals and the purchase or securing of water supply on this reservation, the expense of constructing said canals and of securing the water supply to be paid out of moneys belonging to the Fort Hall Indians now in the Treasury and subject to the disposal of the Secretary of the Interior for the benefit of said Indians.

The problem of securing a water supply for the Fort Hall Indians has been under consideration by this office for some years, but the insufficiency of water on the reservation, and the great cost of bringing it from outside the reservation, has rendered it impossible to adopt any plan the cost of which would be within the limits of the funds available from the general appropriation for irrigation on Indian reservations. As the Indians will have a large surplus of irrigable lands after a complete system of irrigation shall have been constructed, the expenditure of their present tribal funds for that purpose will ultimately result in placing a much larger amount to their credit. A proposition received from the Idaho Canal Company to furnish an ample supply of water will shortly be submitted for your consideration.

Navajo Reservation.—My annual report for last year stated that recommendation had been made to the Department for the appointment of a

competent man to superintend the work of developing a water supply and constructing a system of irrigation on the Navajo Reservation sufficient to meet at least the immediate needs and wants of the Navajoes, for which work Congress had appropriated at various times certain sums.

March 10, 1894, E. C. Vincent, of Staunton, Va., was appointed by you for the duty indicated, and on the 21st of that month instructions for his guidance were issued by this office, which were approved by the Department March 23. March 28, these instructions were transmitted to Superintendent Vincent with directions to proceed at once to the Navajo Reservation and enter upon the discharge of the duties assigned him. He is now in the field prosecuting the work outlined.

He was advised that owing to the immediate need of water supply for stock and domestic purposes attention should first be given to the development of as many springs and wells as possible upon the reservation. This plan it was hoped would afford better water facilities for the grazing lands and bring into use tracts hitherto ungrazed, so as to furnish sufficient water for the numerous flocks and herds of the Navajoes.

He was also instructed, while conducting this work, to note places where conditions seemed favorable for obtaining artesian water, and to carefully investigate the surrounding country, so as to estimate the probable cost of sinking artesian wells where the indications are most hopeful, and where such wells will be most needed.

At the same time he was directed to make investigations in regard to irrigation with a view specially to constructing and keeping in operation, under the direction of competent farmers, small irrigating systems, by which the Indians may gradually be instructed in the proper methods of irrigation.

Owing to the limited funds available for irrigation purposes on the Navajo Reservation and the probable difficulty of bringing any large body of Navajoes together for agricultural pursuits—as they are, in the main, a pastoral people—it will doubtless be best to begin by constructing a few small ditches at various points on the reservation, these minor projects, however, to be so planned that they will not interfere with the future development of water resources should it become practicable to supply a large number of Indian farms by the construction of an extensive system of irrigation. The lands of the reservation suitable for agricultural purposes are scattered and are in small areas, except on the San Juan River, where a large and well-constructed system of irrigation would be more beneficial and economical than smaller ditches.

Umatilla Reservation, Oreg.—The act of January 12, 1893 (27 Stats., 417), granting to the Blue Mountain Irrigation and Improvement Company a right of way for reservoir and canals through the Umatilla Indian Reservation in Oregon, authorized the appointment of three commissioners to inquire into and report to the Secretary of the Interior the

facts as to any lands taken for the main ditch, and to fix the amount of compensation to be paid the Indian owners or allottees for lands so taken, including damages that might thereby be caused to other lands; also, to fix the amount of compensation to be paid for any unallotted tribal lands required by the company for reservoir, dams, and adjacent grounds. This commission had been appointed and was in the field engaged in the discharge of its duties when my last annual report was made.

May 3 last I received, by Department reference, the report of this commission, dated April 23, 1894, which I returned to you, with certain suggestions and recommendations. May 15, 1894, you returned the papers to this office, with instructions to call upon the commission for the completion of their report in accordance with the suggestions made, and on May 18 they were given such instructions. Upon the receipt of the report it will be promptly transmitted to the Department for further consideration.

Miscellaneous.—During the year the expenditure of some $20,000 for irrigating purposes on other reservations has been authorized, the principal part of this sum being assigned to the Uintah and Wind River reservations.

AGREEMENTS WITH INDIANS.

Siletz, Yankton, and Nez Percés.—The agreement concluded with the Siletz Indians in Oregon, October 1, 1892, that with the Yankton Sioux in South Dakota, concluded December 31, 1892, and that with the Nez Percés in Idaho, concluded May 1, 1893, referred to in my last annual report, were ratified by the act of Congress approved August 15, 1894—the Indian appropriation act. Under these agreements some 880,000 acres of land will be restored to the public domain for disposition as provided in said act.

Yuma.—An agreement was concluded with the Yuma Indians, December 4, 1893, whereby they ceded to the United States all their right, title, and interest in their reservation in California, established by executive order of January 9, 1884, each of said Indians to have an allotment of 5 acres of land. This agreement was also ratified by the said act of August 15, 1894. It will result in the restoration of some 27,500 acres of nonirrigable and some 14,000 acres of irrigable land. The former is subject to disposal under the general land laws, and the latter is to be sold at public sale to the highest bidder.

Pyramid Lake and Walker River.—As stated in my last annual report, the President transmitted to Congress, January 11, 1892, the agreement concluded October 17, 1891, with the Pah-Ute Indians residing upon the Pyramid Lake Reservation in Nevada. That agreement has not been ratified, but Senate bill No. 99, Fifty-third Congress, second session, now pending, provides for vacating and restoring to the public domain the entire Walker River Reservation, and also a portion of the Pyramid Lake Reservation, which portion embraces a larger extent of

territory than that included in the agreement. The said bill was referred to the Committee on Indian Affairs August 8, 1893, and reported back (Report No. 177) January 24 last without amendment.

Turtle Mountain Indians.—These Indians are still in an unsettled condition. The agreement made with them December 3, 1892, referred to in my last annual report, has not yet been ratified. Moreover, bills have been introduced (S. bill 2011 and H. R. bill 7005) and are now pending in Congress, which, if passed, will annul the said agreement and provide for making another one.

COMMISSIONS.

Five Civilized Tribes, Indian Territory.—By section 16 of the act of March 3, 1893 (27 Stats., 645), the President was authorized to appoint three commissioners to enter into negotiations with the Cherokee, Choctaw, Chickasaw, Muscogee (or Creek), and Seminole nations, commonly know as the Five Civilized Tribes, in the Indian Territory. The purpose of the negotiations were to be—

> The extinguishment of tribal titles to any lands within that Territory, now held by any and all of such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them with the United States with a view to such an adjustment upon the basis of justice and equity as may, with the consent of the said nations of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union, which shall embrace the lands within said Indian Territory.

The President nominated, and the Senate confirmed, as the members of this commission Henry L. Dawes of Massachusetts, Meredith H. Kidd of Indiana, and Archibald S. McKennon of Arkansas.

In compliance with your instructions of November 6, 1893, I submitted, November 28, 1893, for your approval, a draft of instructions prepared for the guidance of the commission in the performance of the work contemplated by the statute. This draft contained an historical statement of the manner in which the five nations acquired the territory now owned and occupied by them, and also a statement of the rights of the various classes of persons residing in each nation in the common property thereof. However, as the law authorizing their appointment was very explicit as to their duties, and as their mission was considered one of great importance and delicacy, the commissioners were advised that many things in connection with their negotiations must be left to their own wisdom and discretion.

The commissioners met in this city on December 8, 1893, and subsequently proceeded to the Indian Territory, where they have most of the time since been engaged in the duties imposed upon them. No agreement has yet been reached with any of the tribes so far as I am advised, nor do I know what progress they have made in their important mission.

Puyallup Reservation, Wash.—The act of March 3, 1893 (27 Stats., 612), authorized the President to appoint three persons whose duty it should be to select and appraise such portions of the allotted lands of the Puyallup Indian Reservation, Wash., as are not required for homes for the Indian allottees, and also that portion of the agency tract, exclusive of the burying ground, not needed for school purposes; to ascertain the true owners of the allotted lands; to have guardians appointed for the minor heirs of any deceased allottees; and, upon the approval of the selections and appraisements by the Secretary of the Interior, to superintend the sale of the same and make deeds of the lands to the purchasers thereof subject to the approval of the Secretary, with the provision that the portion of the agency tract selected for sale should be platted into streets and lots as an addition to the city of Tacoma, etc.

October 30, 1893, the President appointed James J. Anderson, of Nashville, Ill.; Ross J. Alexander, of Bridgeport, Ohio, and John W. Renfroe, of Atlanta, Ga., to be commissioners for the purpose indicated. Instructions as to their duties were prepared November 6, 1893, and approved by the Department November 14; and November 21 the commissioners were directed to proceed to the Puyallup Agency and enter upon the discharge of the duties assigned them. They are now in the field carrying out the instructions given, and although they have met with a determined opposition by a few Indians and white men in the prosecution of their work, it is thought that they will be successful in their mission and thus dispose of one of the most perplexing questions before this office.

Great pressure has been brought upon Congress to take the sale and disposition of these Indian lands from the control and supervision of this Department, but that body has steadily refused to enact any law to that effect.

A former commission estimated the value of the agency tract to be $1,000 per acre, or $585,000, and reported the value of the allotted lands of the reservation to be, as near as they could arrive at it, approximately $4,776,130, or an average of $273.50 per acre. They also reported that 9,200 acres, or more than half of the area of these allotted lands, were covered by so-called leases or contracts procured and still held by white men. These contracts were in reality of the nature of alienation and were intended by the persons who made them to be ipso facto deeds, by providing that the lease should renew itself at the expiration of every two years, the limit fixed by the treaty of December 26, 1854, until the restrictions as to alienation should be removed, whereupon the contract under the lease for the alienation of the property would become operative, conveying the property absolutely and completely. It is evident that the contracts referred to are a violation of the treaty and the patent under which the Puyallup lands are held. If the contracting parties could enforce their agreements they would

acquire from the Indians for $700,000 lands estimated by the commission to be worth over $2,500,000—a clear profit to them, and a consequent loss to the Indians, of $1,800,000.

The Puyallup Reservation is contiguous to the rapidly growing city of Tacoma, and some of the lands, being suitable for residence lots, are worth vastly more than the average price per acre. In fact, it was stated in the instructions to this commission that "some of the lands are said to be worth as high as $6,000 per acre, while the water front alone has been estimated to be worth millions of dollars."

When the selections and appraisements shall have been made by the present commission and approved by the Secretary of the Interior, the lands are to be sold, after due notice, at public auction at not less than the appraised value, for cash or one-third cash, and the remainder on such time as the Secretary may determine, to be secured by vendor's lien on the property sold. This method of procedure will give all parties desiring to purchase these Indian lands an equal opportunity, and insure the Indians the full benefit of their land values.

Osage Reservation, Okla.—May 18, 1894, Messrs. James S. Hook, John A. Gorman, and John L. Tullis were appointed a commission to negotiate with the Osage Indians for the surrender to the United States of such portion of their reservation in Oklahoma as they may be willing to cede. This commission has not completed its labors.

Chippewa Reservations, Minn.—In the annual report of this office for 1890 will be found a brief account of the negotiations with the Chippewa Indians, in the State of Minnesota, for the complete cession and relinquishment in writing of all their title and interest in and to all their reservations in Minnesota, except the White Earth and Red Lake reservations, and to so much of these two reservations as in the judgment of the commission will not be required for the allotments provided for in the act of Congress approved January 14, 1889 (25 Stats., 642). The subsequent annual reports give brief statements of the work performed by the commission, from year to year, as reported by the commission.

Since the completion of negotiations for the cession the efforts of the commission have mainly been directed toward securing removals from other reservations to the White Earth Reservation, in accordance with the provisions of said act of January 14, 1889. The report of the chairman of the commission, dated June 7, 1894, shows that up to that time but 775 permanent removals had been secured. The total number of Indians subject to removal to the White Earth Reservation under the provisions of the act is about 4,000. The removal of but 775 in four years and four months suggested that the work of the commission might continue for an indefinite period, unless their efforts toward securing further removals should shortly cease, and their entire time thereafter be devoted to making the allotments. It certainly was not contemplated by the act that the option of removing to the White Earth Res-

ervation should be left open to the Indians for an indefinite period; otherwise the work of the commission might never close.

Accordingly, July 5, last, this office recommended to the Department that the Chippewa Commission be instructed that on and after October 1, 1894, further efforts looking to the removal of Indians to the White Earth Reservation under the provisions of the act shall cease; that the commission, as early as practicable, notify all the Indians of the several reservations who are entitled to remove to the White Earth Reservation that they must avail themselves of this privilege on or before said date, and that their failure so to do will be regarded as an election on their parts to take their allotments on the reservation where they respectively resided at the time the various agreements were negotiated; that the entire time of the commission between that date and October 1, if necessary, be devoted to securing the removal of Indians to the White Earth Reservation; and that thereafter it be devoted to making the allotments in severalty to the Indians, as provided for in the act, until all the allotments shall be made. These instructions were approved by the Secretary July 7, and July 10, 1894, the commission was so instructed.

It is due to the present commission to say that they have been diligent and faithful in the performance of their duties, and that their work has been performed in an efficient and creditable manner.

In the annual report of the commission for the year from January 1 to December 31, 1893, dated February 24, 1894, they state that the number of allotments made during that period is 843, the number of permanent removals to the White Earth Reservation 206, and the number of houses constructed 41. The disbursements of the commission for that period are given in the following table:

Disbursements January 1, 1893, to January 1, 1894.

Building houses and digging wells	$6,572.95
Breaking and plowing land	516.75
Wagons and hardware	4,150.91
Expense of allotting land	4,624.13
Seed	981.86
Cattle, $1,902 Caring for same, $190	2,092.00
Subsistence	10,768.42
Expense of moving Indians	2,169.51
Salaries and expense of commission	12,025.67
Horses and harness, $270.90 Feed for the same, $56.60	327.50
Repairing bridges	22.00
Salaries of regular employés	6,224.75
Total	50,476.45

The following table gives an itemized statement of the disbursements of the commission from January 1, 1894, to September 1, 1894, as shown

by the various biweekly reports, which, by Department instructions of May 5 last, the commission were directed to make:

1. Salary and expenses of commission	$9,527.20
2. Salary of regular and irregular employés	3,905.68
3. Removals, transportation, freight, subsistence, salaries of removal agents, etc	7,670.01
4. Allotting lands, surveys, salaries, etc	1,589.63
5. Building houses for removal of Indians, and repairs	2,336.35
6. Wagons, sleds, harrows, plows, and hardware	5,077.99
7. Cows and cattle and expenses connected therewith	6,180.00
8. Purchase of seeds, etc	993.82
9. Breaking, harrowing, and planting	222.50
10. Office fixtures, rents, fuel, lights, stenographer, etc	835.65
Total disbursements	38,338.83

The number of allotments made from January 1 to September 1, 1894, is 479; the number of houses built during the same period, 13. The number of removals to the White Earth Reservation from June 13, 1893, to September 1, 1894, is 299.

The commission now consists of William M. Campbell, chairman, Benjamin D. Williams, and J. Montgomery Smith.

Otoe and Missouria Reservation, Okla.—A matter of considerable moment to these Indians is a proposed revision and readjustment of the sales of their lands in Nebraska and Kansas, under the act of Congress approved March 3, 1893 (27 Stat., 568). The act provides that no readjustment shall be made or rebate allowed unless the consent of the Indians thereto shall have been first obtained. A commission will present the matter to the Indians with a view to obtaining their consent. This commission has not yet been appointed. The maximum amount which the Indians may be asked to rebate is, according to a statement prepared by the General Land Office, $351,516.40, plus $592.67 interest for each month which may elapse between February 1, 1894, and the date upon which the readjustment, if made, shall take effect.

Shoshone Reservation, Wyo.—The commission appointed under a clause contained in the Indian appropriation act of July 13, 1892 (27 Stat., 120), authorizing the reopening of negotiations with the Indians of the Shoshone or Wind River Reservation, Wyo., failed to reach an agreement with them, and I stated in my last annual report that a report of the whole matter would be submitted to you at an early date for your consideration and for transmission to Congress. On November 29, 1893, I submitted such report, accompanied by all the papers in the case, and recommended that the same be forwarded to Congress.

The Indian appropriation act, approved August 15, 1894 (Public No. 197), contains the following clause pertaining to negotiations with these Indians:

For the purpose of conducting negotiations with the Shoshone and Arapahoe Indians for the sale and relinquishment of certain portions of their reservation in

the State of Wyoming to the United States, one thousand dollars; and the Secretary of the Interior shall detail immediately one or more of the five Indian inspectors to make an agreement with said Indians: *Provided*, That any agreement entered into for said lands shall be ratified by Congress before it shall become binding.

When such detail of an inspector or inspectors shall have been made by you, this office will prepare and submit instructions for their guidance in conducting the negotiations proposed.

LEASING INDIAN LANDS.

Previous annual reports have quoted section 3 of the act of February 28, 1891 (26 Stat., 794), which authorizes the leasing of allotted and unallotted or tribal Indian lands, and have contained the rules and regulations prescribed in regard to the execution of such leases.

The Indian appropriation act approved August 15, 1894 (Public, No. 197, p. 21 *et seq.*), contains an item which modifies the previous law relating to leasing Indian lands, but without any reference to that law. For the sake of comparison the law of February 28, 1891, is again quoted, and is as follows:

SEC. 3. That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age or other disability any allottee under the provisions of said act or any other act or treaty can not personally and with benefit to himself occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by such Secretary for a term not exceeding three years for farming or grazing or ten years for mining purposes: *Provided*, That where lands are occupied by Indians who have bought and paid for the same and which lands are not needed for farming and agricultural purposes and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians for a period not to exceed five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

The law as amended August 15, 1894, reads as follows:

Provided, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability or inability, any allottee of Indian lands under this or former acts of Congress, cannot personally and with benefit to himself, occupy or improve his allotment, or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years for farming or grazing purposes, or ten years for mining or business purposes: *Provided further*, That the surplus lands of any tribe may be leased for farming purposes by the council of such tribe under the same rules and regulations and for the same term of years as is now allowed in the case of leases for grazing purposes.

Under the amendment it will be noticed that allotted lands may be leased for farming or grazing purposes for a period not exceeding five years (before it was three years), and that such lands may also be leased for business purposes for a period not exceeding ten years; also, that the surplus tribal lands of any tribe may be leased for farming purposes by the council of such tribe, under the same rules and regulations and for the same term of years as was allowed by the old law in the case of leasing for grazing purposes. Hereafter all leasing will

be done under this amended act. The new rules prescribed thereunder for executing leases will be found herewith on page ——.

It has been repeatedly stated that it was not the intent of the law nor the policy of the office to allow indiscriminate leasing of allotted lands, which would defeat the very purpose of allotments, but to permit such leasing only when the allottee "by reason of age or other disability" is unable to occupy his land. If an allottee has physical or mental ability to cultivate an allotment by personal labor or by hired help, the leasing of such allotment should not be permitted.

ALLOTTED LANDS.

Since the last annual report, the following leases of allotted lands have been approved:

Cheyenne and Arapaho Reservation, Okla.—Eight farming leases, each for the period of three years. The principal part of the consideration in these leases consists in improvements to be placed upon the lands by the lessees.

Omaha and Winnebago Reservations, Nebr.—About two hundred and twenty-three farming and grazing leases. The price ranges from 25 cents per acre per annum for grazing lands to $2.50 per acre for the best farming lands. The prevailing price, however, is $1 per acre. The leases are mainly for the period of three years from January 1, 1894. A few that were executed subsequent to this date are for the period of three years from the date of execution, and one or two are for a shorter period.

Ponca Agency, Okla.—Nineteen leases for farming and grazing purposes of allotted lands of the Tonkawa Indians (attached to the Ponca Agency). These leases are all for the period of three years from March 1, 1894. The price ranges from 25 cents per acre per annum for grazing lands to $1 per acre for farming lands. Most of the leases call for the erection of a small dwelling house in addition to the money consideration therein mentioned.

Quapaw Agency, Ind. T.—Two leases for mining purposes of allotted lands of the Wyandotte Indians, each for the period of ten years, were approved by the Secretary August 8, 1894. They provide for the payment of a royalty equal to 10 per centum of the market value of all mineral products removed from the leased premises.

Santee Agency, Nebr.—No leases have been made at Santee during the past year in addition to the one referred to in my last annual report.

Umatilla Reservation, Oreg.—Forty-two farming and grazing leases. These range in amount from 73 to 280 acres. The prevailing price is $1 per acre per annum, though one or two pieces are rented for less. One of the allotments is leased for $2 per acre. The leases in about equal numbers are for the periods of one, two, and three years.

White Earth Agency, Minn.—One lease of allotted lands granted "Red Bear" under the provisions of article 9 of the treaty of October 2, 1893 (13 Stats., 667). This embraces a tract of 640 acres and is

leased to H. A. Mayo for the period of three years from June 20, 1893, in consideration of $100 per annum and the further consideration of placing a large portion thereof under cultivation.

Monsimoh or Moose Dung.—By joint resolution approved August 4, 1894 (Private Resolution No. 5 and page —— of this report), Congress authorized the Secretary of the Interior, if in his discretion he deemed the same proper and advisable, and upon such terms and limitations as he might impose, to approve a certain lease, made and executed by Monsimoh (commonly called Moose Dung) to Ray W. Jones, of lot 1 in section 34 in township 154 north of range 43 west in the county of Polk and State of Minnesota, embracing a portion of the land granted Old Chief Moose Dung under article 9 of the treaty of October 2, 1863 (13 Stats., 667). Afterwards Moose Dung claimed that the Jones lease had been misinterpreted to him and that he did not want it approved, but that he wanted a lease executed in favor of Messrs. P. and J. Mehan approved. The matter is now awaiting investigation by a representative of this office before further action will be taken.

UNALLOTTED OR TRIBAL LANDS.

Since the last annual report the following leases of tribal lands have been executed:

Crow Reservation, Mont.—Five leases, each for the period of one year from June 30, 1894, the date of their approval by the Department. The permit agreement covering district No. 1 is executed in favor of Samuel H. Hardin, of Bingham, Wyo. It is estimated to contain 188,000 acres, at an annual rental of 3 cents per acre, or $5,640. The maximum number of cattle to be held at any one time is limited to 8,500 head.

District No. 2, estimated to contain 191,000 acres, is leased to the Columbia Land and Cattle Company, through its managing director, M. Rosenbaum, of Chicago, Ill., at the rate of 3.95 cents per acre, or $7,544. The maximum number of cattle to be held at any one time is limited to 9,000 head.

District No. 3, leased to Portus B. Weare, of Chicago, Ill., is estimated to contain 199,000 acres, and the price to be paid is 3.51 cents per acre, or $6,984.90; maximum number of cattle, 8,000.

District No. 4, estimated to contain 179,000 acres, at 3.75 cents per acre, or $6,390.30, is held by Thomas Paton, of New York City; maximum number of cattle, 7,500.

The lease covering district No. 5, estimated to contain 89,000 acres, is held by Matthew H. Murphy, of Miles City, Mont., at 3.62 cents per acre, or $3,221.80; maximum number of cattle, 5,000.

Kiowa and Comanche Reservation, Okla.—There are no leases in force on this reservation at present. The following leases expired April 1, 1894:

Name of lessee.				
D. Waggoner & Son	Acres	502,490	Annual rent	$30,149.40
E. C. Sugg & Bro	do..	342,638	Do.	20,558.28
S. B. Burnett	do..	287,867	Do.	17,272.02
C. T Herring	do..	90,000	Do.	5,400.00
J. R. Addington	do..	81,963	Do.	4,917.78

The matter of again leasing these pastures was presented to the Department in office letter of March 21, 1894. September 12, 1893, the Department authorized the renewal of the following leases for the period of one year from September 1, 1893, at the uniform rate of 6 cents per acre:

Name of lessee.				
James P. Addington	Acres	18,380	Annual rent	$1,102.80
James W. Blasingame	do..	36,480	Do.	2,188.80
Elisha F. Ikard	do..	44,640	Do.	2,678.40
Herring & Stinson	do..	38,760	Do.	2,325.60
Cox & Houston	do..	37,440	Do.	2,246.40
William A. Wade	do..	74,880	Do.	4,492.80

On November 2, 1893, the Department authorized the leasing of a tract of land of 40,000 acres lying about 6 miles south of Fort Sill to the highest and best bidder. After due advertisement the agent submitted a lease of this tract to Byers Bros. & Featherstone, at 6 cents per acre, for one year from December 20, 1893; annual rental, $2,400. This lease and the six preceding have not received the approval of the Department, to which they were submitted in office letter of February 21, 1894.

Omaha and Winnebago reservations, Nebr.—The last annual report mentions two leases on the Omaha Reservation, each for the period of five years from May 1, 1892, at 25 cents per acre per annum, for a total area of 22,604.18 acres, amounting to an annual rental of $5,651.13. Authority for the leasing of additional pastures on the Omaha Reservation for the period of one year was granted by the Department March 14, 1894, and March 17, 1894, the acting agent was instructed accordingly.

Like authority was also granted by the Department, March 23, 1894, for the leasing of additional pastures on the Winnebago Reservation for the period of one year, and the acting agent was notified March 27, 1894. August 17, 1894, the acting agent submitted for approval eight leases on the Omaha Reservation and one lease on the Winnebago Reservation. On August 27, the leases and accompanying bonds were returned because of certain informalities in the execution of the bonds.

Osage Reservation, Okla.—The last annual report mentions the existence of thirty-four grazing leases on this reservation, each for three years from April 1, 1893, at the uniform rate of 3½ cents per acre per annum, containing a total estimated area of about 831,188 acres; annual rental $29,091.58. No additional leases have been executed during the past year.

Kaw Reservation, Okla.—Reference was made in the last annual report to four leases on the Kaw Reservation which had been executed under Department authority of February 23, 1893, but had not been approved owing to defective bonds, etc.

Three of them, each for three years from April 1, 1893, were approved by the Secretary of the Interior during the past year, the respective lessees having filed new bonds in accordance with Department instructions of September 16, 1893. Lease covering district No. 1, esti-

mated to contain 20,400 acres, at 15 cents per acre per annum (annual rental $3,060), held by George T. Hume, and lease covering district No. 3, estimated to contain 9,800 acres, at 15¼ cents per acre per annum (annual rental $1,494.50), held by Charles W. Burt, were approved June 27, 1894. Lease covering district No. 4, estimated to contain 10,920 acres, at 17½ cents per acre per annum (annual rental $1,911), held by Homer Morris, was approved August 21, 1894.

Lease covering district No. 2, estimated to contain 10,709 acres, at 15 cents per acre per annum (annual rental $1,606.35), was executed in favor of Thomas J. Bennett. June 20, 1894, the acting agent reported that Mr. Bennett could not be found; hence that new bond could not be filed in his case. The matter was reported to the Department on July 6, 1894, and it replied August 7, 1894, directing that the lands embraced within the "Bennett pasture" be informally leased for the period ending April 1, 1896, and August 21, 1894, the acting agent was so instructed.

May 16, 1894, the Department approved a lease for 9,000 acres, executed in favor of Drury Warren, for two years from April 1, 1894, at an annual rental of 12½ cents per acre, amounting to $1,125 annually.

June 27, 1894, the Department approved a lease for 4,800 acres, executed in favor of J. D. Harkleroad, for two years from April 1, 1894, at an annual rental of 17 cents per acre, amounting to $816 annually.

These two leases cover the greater portion of the lands leased last year by the Indians to certain members of the tribe and of the council, which leases were not authorized either by the Department or this office. Mention of these unauthorized leases was made in the last annual report.

Ponca Reservation, Okla.—East Ponca pasture, estimated to contain 33,000 acres, leased to Hezekiah G. Williams for one year from April 1, 1894, at an annual rental of $3,000; lease approved by the Secretary of the Interior on March 15, 1894. West Ponca pasture, estimated to contain 33,000 acres, leased to George W. Miller for one year from April 1, 1894, at an annual rental of $3,010; lease approved by the Secretary of the Interior on April 30, 1894.

Otoe and Missouria Reservation, Okla.—East Otoe pasture, estimated to contain 60,000 acres, leased to Isaac T. Pryor for one year from April 1, 1894, at an annual rental of $3,000; lease approved by the Secretary of the Interior on March 15, 1894. West Otoe pasture, estimated to contain 40,000 acres, leased to Frank Witherspoon for one year from April 1, 1894, at an annual rental of $2,600; lease approved by the Secretary of the Interior on March 15, 1894.

Shoshone Reservation, Wyo.—Two leases, each for the period of one year from March 1, 1894. Range No. 3, estimated to contain 100,171 acres, is leased to S. R. Stagner at an annual rental of $500.86. Range No. 4, estimated to contain 283,520 acres, is leased to James K. Moore at an annual rental of $708.80. Both of these leases were approved by the Department on April 13, 1894. Ranges 1 and 2 are not under lease.

Uintah Reservation, Utah.—No additional leases have been made on this reservation during the past year. Reference is made to the last annual report for a statement of the leases now in force.

On August 4, 1894, at 10:30 a. m., Amasa Thornton, one of the directors of the American Asphalt Company, filed in this office, in duplicate, the map of the definite location of the lands selected by the company for mining purposes, which lease is referred to in the last annual report. Said map, under instructions from the Department of date November 8, 1893, should have been filed on or before August 1, 1894. The map and all the important facts in relation thereto were submitted to the Secretary of the Interior for his action with office letter of August 20, 1894.

BUSINESS COMMITTEES IN CONNECTION WITH THE CONVEYANCE OF INDIAN LANDS.

By the eleventh section of the sundry civil appropriation act of March 3, 1859 (11 Stats., 430), the Secretary of the Interior was authorized to cause patents to issue to any Indians and their heirs who, by the terms of any Indian treaty in Kansas Territory, were entitled to separate selections of land and to a patent therefor, upon such conditions and limitations and under such guards and restrictions as might be prescribed by him. Under this authority patents have issued to several tribes of Indians, with a restrictive clause that the tracts therein described "shall never be sold or conveyed by the grantee or his heirs without the consent of the Secretary of the Interior, for the time being," and rules and regulations have from time to time been issued to be observed in the execution of conveyances of lands so patented. One of these rules requires the certificate of the chiefs of the tribe as to the identification of the patentee, or in case of death as to who are the heirs and their identification.

There are certain other tribes whose lands are held under such restricted patents, among them the "not so competent" members of the Saginaw, Swan Creek, and Black River bands of Chippewa Indians, in Isabella County, Mich. These Indians have been without an agent for a number of years, and several factions in the bands have arisen, each claiming to represent the tribe. When deeds for the "not so competent" class have been forwarded for approval the certificate of different sets of chiefs would appear just as the vendors happened to belong to one or the other faction, until the office became embarrassed thereby in the settlement of the question of heirship.

The matter was reported to the Department June 20, 1893, with a recommendation that a special agent be appointed to make an investigation of the affairs of this tribe and to nominate five of the best and most business-like men, and most reliable in their knowledge of the families of the tribe, to serve as a business committee for the purpose of determining the question of descent. Authority was given July 14,

and Special Agent Cooper, under his instructions, reported, September 14, 1893, the names of five men, viz: Andrew Jackson, Joseph Bradley, Elijah Pileher, Peter Bennett, and Philip Gruet, who were subsequently (October 9, 1893) appointed by the Secretary of the Interior as the business committee for the purpose herein specified.

Similar contentions arose among the Shawnees in the Cherokee Nation, Indian Territory. At their election for chiefs and council in September, 1893, each party, one headed by H. F. A. Rogers, the other by Charles Bluejacket, claimed to have elected its own ticket. Agent Wisdom was called upon to make an investigation of the fairness of the election; but when he made his report, April 20, 1894, party spirit ran so high that the suggestion was made that the election of chiefs be annulled, and that a business committee of seven persons be appointed from the best representative men of both parties to act in the same capacity as the Chippewas on the Isabella Reservation in Michigan. This seemed particularly advisable, since chiefs within the Cherokee Nation, other than their own chiefs, would not be acceptable to the Cherokees, and the creation of such an office would not be in harmony with the agreement whereby the Shawnees became incorporated in and a part of the Cherokee Nation. In accordance with these views, a business committee was appointed June 4, 1894, consisting of Charles Bluejacket, Johnson Blackfeather, Henry F. A. Rogers, Charles C. Cornatzer, Thomas Dougherty, Stephen Bluejacket, and John H. Bailey. These men have accepted the position, and are performing their duties promptly, faithfully, and satisfactorily to their tribe and to the Government.

INDIAN LANDS SET APART TO MISSIONARY SOCIETIES.

In furtherance of its policy of granting to missionary and religious societies the temporary use and occupancy of Indian lands for religious and educational purposes, or in carrying out special legislation, the office, during the past year, by your authority and with the consent of the respective Indians, has set apart within several reservations certain specified tracts of land for the use of the respective denominations applying therefor, in order that they might have a fixed habitation and the better carry on their missionary labors. The lands so reserved are as follows:

TABLE 11.—*Lands set apart on Indian reservations for the use of religious societies from August 24, 1893, to August 28, 1894.*

Name of church or society.	Number of acres.	Reservation.
Roman Catholic	40	Quapaw, Ind. T.
American Baptist Home Missionary Society	160	Wichita, Okla.
Methodist Episcopal	160	Klamath, Oreg.
Roman Catholic	160	Yakima, Wash.
Mennonite Mission Society	40	Moquis, Ariz.
Roman Catholic	10	Crow, Mont.
Presbyterian Board of Foreign Missions	40	Fort Peck, Mont.
Presbyterian	2	Lower Brulé, S. Dak.

TABLE 11.—*Lands set apart on Indian reservations for the use of religious societies from August 24, 1893, to August 28, 1894*—Continued.

Name of church or society.	Number of acres.	Reservation.
Evangelical Lutheran, General Synod of Wisconsin	10	San Carlos, Ariz.
Plymouth Congregational	2	Cheyenne and Arapaho, Okla.
Protestant Episcopal	40	Pine Ridge, S. Dak.
Do	120	Rosebud, S. Dak.
United Presbyterian	14.74	Warm Springs, Oreg.
Protestant Episcopal	54.85	White Earth, Minn.
Do	(*)	Navajo, N. Mex.
Order of St. Benedict, Roman Catholic	80	White Earth, Minn.
Hobart Mission, Protestant Episcopal	1	Oneida, Wis.
Missionary Society, Methodist Episcopal Church	†160	Blackfeet, Mont.
American Missionary Association (Congregational)	40	Fort Berthold, N. Dak.

* Enough land to establish a missionary hospital. Amount not stated.
† Granted in 1891 to the Woman's National Indian Association, but surrendered by them in favor of the Methodist Episcopal Church.

In each of the above cases the amount of land assigned is the amount asked for by the society desiring to occupy it. It is customary also to allow to such societies the use for building purposes of stone or timber found on the respective reservations.

A table giving all the lands on Indian reservations so set apart for missionary purposes will be found on page ——. Indians have rarely withheld consent for such use of their lands.

As far as the office is concerned, missionary work among Indians by any and all denominations has its hearty consent and encouragement, and all suitable facilities for its prosecution are cordially extended. Among the places named in the above table are several points where missionary labors are this year being undertaken for the first time. It is gratifying to note the spread of such work onto new ground as well as its continuance on the older fields.

RAILROADS ACROSS RESERVATIONS.

GRANTS SINCE LAST ANNUAL REPORT.

Since the date of the last annual report, Congress has granted the following railroad companies rights of way across Indian lands:

Indian and Oklahoma Territories.—*Kansas, Oklahoma Central and Southwestern Railway Company.*—By act of Congress approved December 21, 1893 (Public, No. 9, and p. —— of this report), the Kansas, Oklahoma Central and Southwestern Railway Company was granted right of way through the Indian and Oklahoma Territories, including lands that have been allotted to Indians in severalty or reserved for Indian purposes, beginning at any point to be selected by said railway company on the south line of the State of Kansas, in the county of Montgomery, and running thence by the most practicable route through the Indian Territory to the west line thereof, thence in a south or southwesterly direction by the most practicable route into and through Oklahoma Territory to a point on the Texas State line and on Red River between said State of Texas and the Comanche and Apache

Indian Reservation, by way of or near Stillwater, Guthrie, and El Reno, in Oklahoma Territory, and passing through the Osage, Pawnee, Wichita, Comanche and Apache Indian reservations. No maps of definite location of the line of road have yet been filed for approval.

The Choctaw Coal and Railway Company.—By act of Congress approved January 22, 1894 (Public, No. 13, and p. —— of this report), the Choctaw Coal and Railway Company was granted an extension of two years from February 18, 1894, within which to construct its lines of railway in the Indian Territory, as authorized by act of Congress approved February 18, 1888 (25 Stats., 35), as amended by act of Congress approved February 21, 1891 (26 Stats., 765). Further mention will be made of this company under the heading "Grants referred to in previous annual reports."

By act of Congress approved August 24, 1894 (Public, No. 218, and page —— of this report), the purchasers of the property and franchises of the Choctaw Coal and Railway Company are authorized to organize a corporation and are granted all the powers, privileges, and franchises vested in that company. The act prescribes the manner in which the purchasers shall organize themselves into a new corporation. The property, rights, and franchises of the company were to be sold under judicial sale by decree of the U. S. court for the Indian Territory on September 8, 1894, and the act was passed in view of this fact in order to enable the purchasers at said judicial sale to form a new corporation. Section 4 of the act grants the new incorporators the right to construct branches from the main line of the road to the lands held by the company in the Choctaw Nation under eleven leases, which were confirmed by act of Congress of October 1, 1890 (26 Stats., 640); also the right to lease its railroads, mines, and other property to any company owning and operating a line of railroad connecting with the line of road of the new corporation.

Kansas and Arkansas Valley Railway Company.—By act of Congress approved June 6, 1894 (Public, No. 79, and p. —— of this report), the Kansas and Arkansas Valley Railway Company was granted an extension of three years from February 24, 1894, within which to build the first 100 miles of its additional lines of road as provided for in the act of Congress approved February 24, 1891 (26 Stats., 783). No maps of definite location of said additional lines of road have yet been filed for approval. Further mention will be made of this company under the heading "Grants referred to in previous annual reports."

Hutchinson and Southern Railroad Company.—By act of Congress approved August 27, 1894 (Public, No. 221, and p. —— of this report), the Hutchinson and Southern Railroad Company was granted a further extension of three years within which it might construct its line of road through the Indian and Oklahoma Territories. Further mention will be made of this company under the heading "Grants referred to in previous annual reports."

Texas and Mexican Central Railway Company.—By act of Congress approved August 4, 1894 (Public, No. 166, and p. —— of this report), the Texas and Mexican Central Railway Company was granted right of way through the Indian Territory, beginning at a point to be selected by the company on Red River, north of the north boundary line of Montague County, in the State of Texas, and running thence by the most practicable route through the Indian Territory in a northeasterly direction to a point on the west boundary line of the State of Arkansas. No maps of the definite location of the line of the road have been filed for approval.

Grand Ronde Reservation, Oreg.—By act of Congress approved June 6, 1894 (Public, No. 80, and p. —— of this report), the *Albany and Astoria Railroad Company* was granted right of way through the Grand Ronde Reservation, Oreg., not exceeding 100 feet in width, with the right to take from the lands adjacent to the line of the road material, stone, earth, and timber necessary for the construction of the road; also ground adjacent to such right of way for station buildings, etc., not to exceed in amount 200 feet in width by 3,000 feet in length for each station, to the extent of one station for each 10 miles of road. No maps of definite location of the line of the road have yet been filed for the approval of the Secretary of the Interior.

Omaha and Winnebago reservations, Nebr.—By act of Congress approved June 27, 1894 (Public, No. 94, and p. —— of this report) the *Eastern Nebraska and Gulf Railway Company* was granted right of way through the Omaha and Winnebago reservations, Nebr., not exceeding 50 feet in width on each side of the central line of the road, with the right to take from the lands adjacent thereto material, earth, and stone necessary for the construction of the road; also grounds adjacent to such right of way for stations, not to exceed 200 feet in width by a length of 3,000 feet, to the extent of two stations within the limits of said reservations. No maps of definite location of the line of the road have yet been filed for approval.

Chippewa Reservations, Minn.—By act of Congress approved July 6, 1894 (Public, No. 101, and p. —— of this report), the *Brainerd and Northern Minnesota Railway Company* was granted right of way through the Leech Lake Reservation, Minn., such right of way to be 50 feet in width on each side of the central line of the road, commencing at a point on the south line of the reservation and extending northwesterly through the same, with the right to load logs on said railroad at the points on said reservation where the line of the road may run adjacent or contiguous to the waters of Leech Lake, with the right to take from the lands adjacent to the road material, stone, and earth necessary for the construction of the same; also grounds adjacent to such right of way, not to exceed 200 feet in width by 3,000 feet in length, to the extent of one station within the limits of said reservation. No maps of definite location of the line of the road have yet been filed for approval

By an act of Congress approved July 18, 1894 (Public, No. 113, and p. —— of this report), the *St. Paul, Minneapolis and Manitoba Railway Company* was granted right of way through the White Earth, Leech Lake, Chippewa, and Fond du Lac reservations, in Minnesota; such right of way to be 50 feet in width on each side of the central line of the road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width on each side of the right of way; also grounds adjacent to such right of way for station buildings, etc., not exceeding 200 feet in width by a length of 3,000 feet, to the extent of two stations within the limits of each reservation. No maps of definite location of the line of the road have yet been filed for approval.

By act of Congress approved August 27, 1894 (Public, No. 220, and p. —— of this report), the *Duluth and Winnipeg Railroad Company* was granted right of way for the extension of the line of its road and for a telegraph and telephone line through the Chippewa and White Earth Indian reservations, in Minnesota, commencing at some point on its already constructed line in said State and running thence in a general westerly or northwesterly direction, by such route as shall be deemed advisable, to some point on the western or on the northern boundary line of the State, between the Red River of the North and the Lake of the Woods, or to both such points; such right of way to be 50 feet in width on each side of the central line of the road; and the company is also granted the right to take from the lands adjacent to the line of the road material, stone, and earth necessary for the construction thereof; also grounds adjacent to the right of way for station buildings not to exceed in amount 200 feet in width and 3,000 feet in length, to an extent not exceeding one station for each 10 miles of road constructed within the limits of said reservations. No maps of definite location of the line of the road through the reservations have yet been filed for approval.

By act of Congress approved August 23, 1894 (Public, No. 206, and p. —— of this report), the *Northern Mississippi Railway Company* was granted a right of way for the extension of the line of its road through the Leech Lake, Chippewa, and Winnebagoshish Indian reservations, in the State of Minnesota, such right of way to be 50 feet in width on each side of the central line of the road; and the company is also granted the right to take from the lands adjacent to the road material, earth, and stone necessary for the construction of the same; also ground adjacent to the right of way for station buildings not exceeding 200 feet in width by 3,000 feet in length, to the extent of one station for every 10 miles of road constructed through the reservations. No maps of definite location of the line of the road have yet been filed for approval.

GRANTS REFERRED TO IN PREVIOUS ANNUAL REPORTS.

Indian and Oklahoma Territories.—The last annual report mentions that the *Chicago, Rock Island and Pacific Railway Company* secured by Congressional action a right of way through the Indian Territory, as an extension of its line of road, from Chickasha station, on its present line, running thence in a southeasterly direction to the south line of the Territory; also from said Chickasha station running thence in a southwesterly direction to the west or south line of the Territory of Oklahoma. No maps of definite location of these extensions have yet been filed for approval.

It was also stated that the company had been granted the right to use, for railroad purposes, two additional strips of land at Chickasha station; also land for a Y in sections 21 and 22, in township 7 north, range 7 west, of the Indian meridian. September 28, 1893, the company filed maps showing the definite location of said grants of land. These maps were approved by the Secretary of the Interior on October 9, 1893. June 23, 1894, the company tendered a draft for $1,593 in payment of the annual tax of $15 per mile on that portion of the road passing through Indian lands, for the fiscal year ending June 30, 1894.

Choctaw Coal and Railway Company.—The company has filed reports showing amount of coal mined monthly in the Choctaw Nation, in accordance with the provisions of the act of Congress approved October 1, 1890 (26 Stats., 640). July 11, 1894, the company tendered a draft for $1,005 in payment of the annual tax of $15 per mile on that portion of the road passing through Indian lands, for the fiscal year ending June 30, 1894.

Denison and Northern Railway Company.—As mentioned in the last annual report, this company was granted a right of way through the Indian Territory by act of Congress approved July 30, 1892 (27 Stats., 336). No maps of definite location of the line of the road have, however, yet been filed for approval.

Hutchinson and Southern Railroad Company.—Mention is made in the last annual report of the filing and approval of maps of definite location of the line of road of this company through the Cherokee Outlet; also the filing and approval of six maps of station grounds. All of these maps were transferred, on request, to the General Land Office on August 25, 1893. So far as this office is aware, no portion of the road has been constructed.

Gulf, Colorado and Santa Fé Railway Company.—Under date of June 19, 1894, the company, through its attorneys in this city, was called upon for payment of the annual tax of $15 per mile for fiscal year ending June 30, 1894. Up to date compliance with such request has not been made.

The Southern Kansas Railroad (leased to the Atchison, Topeka and Santa Fé Railroad Company).—June 19, 1894, the receivers of the latter mentioned company tendered drafts aggregating $107.40 in payment

of the annual tax of $15 per mile for that portion of the road extending through the Chickasaw Nation and the Cheyenne and Arapaho Reservation, a total distance of 7.16 miles, for the fiscal year ending June 30, 1894.

Kansas and Arkansas Valley Railway Company.—July 9, 1894, the company tendered a draft for $2,444.55 in payment of the annual tax of $15 per mile on that portion of the road passing through Indian lands, for the fiscal year ending June 30, 1894.

Denison and Washita Valley Railroad Company.—July 14, 1894, the company tendered a draft for $150 in payment of the annual tax of $15 per mile on that portion of the road extending through Indian lands, for the fiscal year ending June 30, 1894.

Gainesville, Oklahoma and Gulf Railway Company.—As mentioned in the last annual report, this company was granted right of way through the Indian Territory by act of Congress approved February 20, 1893 (27 Stats., 465). No maps of definite location of the line of the road have been filed for approval.

Gainesville, McAllister and St. Louis Railway Company.—The last annual report states that by act of Congress approved March 1, 1893 (27 Stats., 524), this company was granted a right of way through the Indian Territory. No maps of definite location of the line of road have yet been filed for approval.

Interoceanic Railway Company.—The last annual report states that by act of Congress approved March 3, 1893 (27 Stats., 747), this company was granted right of way through the Indian Territory. No maps of definite location of the line of the road have yet been filed for approval.

Kansas City, Pittsburg and Gulf Railway Company.—As mentioned in the last annual report, this company was granted right of way through the Indian Territory by act of Congress approved February 27, 1893 (27 Stats., 487). No maps of definite location of the line of the road have yet been filed for approval.

Devils Lake Reservation, N. Dak.—The last annual report referred to the fact that the *Jamestown and Northern Railway Company* had never paid for its right of way through the above reservation. A full history of this case is printed in House Ex. Doc. No. 3, Forty-eighth Congress, second session, and Senate Ex. Doc. No. 16, Forty-ninth Congress, first session, to which attention is invited. On a number of occasions this office has recommended that Congress ratify the agreement entered into July 28, 1883, between the company and the Indians; but no final action has yet been taken.

Puyallup Reservation, Washington.—The last annual report mentions an attempt by one Frank C. Ross to construct a railroad across the Puyallup Reservation, without first having secured from Congress a right of way for that purpose, and states that he was prevented, by the aid of the military, from carrying out his designs; also that said Ross

procured an injunction against Agent Eells and the United States officers in command of the troops. Said injunction case is still pending in the higher courts.

Menomonee Reservation, Wis.—Mention is made in the last annual report of the fact that by act of Congress approved July 6, 1892 (27 Stats., 83), the *Marinette and Western Railway Company* was granted a right of way through the above reservation. No maps of definite location of the line of the road have yet been filed.

Old Delaware Reservation, Kans.—The Indian appropriation act approved July 13, 1892 (27 Stats., 126), authorizes and directs the Attorney-General to institute necessary legal proceedings against the *Leavenworth, Pawnee and Western Railroad Company*, its successors or assigns, for recovery of the amounts found by the Interior Department to be due from said railroad company, its successors or assigns, under the last paragraph of the second article of the treaty with the Delaware tribe of Indians of May 30, 1860, and under the concluding clause of the third article of said treaty, and for damage done the said Indians in the taking and destruction of their property by said railroad company. November 22 and December 14, 1892, and June 14, 1893, this office gave the Attorney-General, through the Secretary of the Interior, such information from its files and records as was thought would be of use to him in instituting and maintaining said suit. This office is not advised as to whether the suit has been instituted.

La Pointe, or Bad River Reservation, Wis.—The eight right of way deeds from individual patentees of lands on this reservation for right of way of the *Duluth, South Shore and Atlantic Railway Company* (formerly the Duluth, Superior and Michigan Railway Company), granting an easement only, mentioned in the last annual report, were returned to this office by Acting Agent Lieut. Mercer October 14, 1893. October 20, 1893, they were transmitted to the Secretary of the Interior with the request that they be submitted to the President for his approval. March 12, 1894, they were returned to this office by the Secretary, bearing the approval of the President, dated March 9, 1894. March 19, 1894, they were sent to Acting Agent Mercer for delivery to the proper officer of the company and for collection of the compensation agreed upon in each particular case.

Crow Reservation, Mont.—January 22, 1894, the attention of the office was called to a much-desired change in the location of the line of the road of the *Big Horn Southern Railroad Company*, in section 3, near the agency buildings, and on that date the company submitted for approval a map of a portion of said section, showing the desired change. January 27, 1894, the map was submitted to the Department and it was approved January 30, 1894. February 3, 1894, a blue-print copy of the original was transmitted to Agent Wyman, of the Crow Agency, for the use of the agency.

The Great Sioux Reservation, in the Dakotas.—January 19, 1894, the Department referred to this office for report a communication of Clark

S. Rowe, esq., of Chamberlain, S. Dak., dated January 15, 1894, addressed to Hon. James H. Kyle, in which the writer requested the issuance of a proclamation by the President declaring that the *Chicago, Milwaukee and St. Paul Railroad Company* had forfeited its right to construct its line of road through the lands formerly embraced within the Great Sioux Reservation, under the provisions of section 16 of chapter 405 of an act of Congress approved March 2, 1889 (25 Stats., 893). The facts in relation to the communication of Mr. Rowe were reported to the Secretary of the Interior January 24, 1894. This office has not yet been advised of the action taken by the Department on Mr. Rowe's request.

Fond du Lac Reservation, Minn.—April 6, 1893, the acting agent of the La Pointe Agency called attention to the fact that the Indians of the Fond du Lac Reservation had never been paid for the right of way of the *Northern Pacific Railroad Company* through their reservation lands. This office presented the facts to the company's attorney in this city April 17, 1893, and requested to be informed as to what action the company proposed to take looking to an early settlement of the claim. To this the attorney replied, May 19, 1893, denying the liability of the company to pay the Indians for their right of way across the reservation. With a view to instituting legal proceedings against the company, the facts were submitted to the Department June 3, 1893, with the request that this office be informed as to what further steps should be taken in the matter. To this the Department replied, February 13, 1894, transmitting an opinion of the Assistant Attorney-General for the Interior Department, dated January 22, 1894, in which the Department concurred, wherein it is held that the company is legally liable to the Indians for right of way. Before taking further action in the matter this office deemed it advisable to acquaint the company of the decision of the Department. This was done February 23, 1894. So far the company has taken no action looking to the settlement of the claim.

CONDITIONS TO BE COMPLIED WITH BY RAILROAD COMPANIES.

In the construction of railways through Indian lands a systematic compliance by companies with the conditions expressed in the right-of-way acts will prevent much unnecessary delay. I therefore repeat the requirements which have already been given in previous reports. Each company should file in this office—

(1) A copy of its articles of incorporation, duly certified to by the proper officers under its corporate seal.

(2) Maps representing the definite location of the line. In the absence of any special provisions with regard to the length of line to be represented upon the maps of definite location, they should be so prepared as to represent sections of 25 miles each. If the line passes through surveyed land, they should show its location accurately, according to the sectional subdivisions of the survey; and if through unsurveyed

land, it should be carefully indicated with regard to its general direction and the natural objects, farms, etc., along the route. Each of these maps should bear the affidavit of the chief engineer, setting forth that the survey of the route of the company's road from —— to ——, a distance of —— miles (giving termini and distance), was made by him (or under his direction), as chief engineer, under authority of the company, on or between certain dates (giving the same), and that such survey is accurately represented on the map. The affidavit of the chief engineer must be signed by him officially and verified by the certificates of the president of the company, attested by its secretary under its corporate seal, setting forth that the person signing the affidavit was either the chief engineer or was employed for the purpose of making such survey, which was done under the authority of the company. Further, that the line of route so surveyed and represented by the map was adopted by the company by resolution of its board of directors of a certain date (giving the date) as the definite location of the line of road from —— to ——, a distance of —— miles (giving termini and distance), and that the map has been prepared to be filed for the approval of the Secretary of the Interior, in order that the company may obtain the benefits of the act of Congress approved —— (giving date).

(3) Separate plats of ground desired for station purposes, in addition to right of way, should be filed, and such grounds should not be represented upon the maps of definite location, but should be marked by station numbers or otherwise, so that their exact location can be determined upon the maps. Plats of station grounds should bear the same affidavits and certificates as maps of definite location.

All maps presented for approval should be drawn on tracing linen, the scale not less than 2,000 feet to the inch, and should be filed in duplicate.

These requirements follow, as far as practicable, the published regulations governing the practice of the General Land Office with regard to railways over the public lands, and they are of course subject to modification by any special provisions in a right-of-way act.

LOGGING BY INDIANS.

Menomonee Reservation, Wis.—On the 21st of September, 1893, this office received the following letter from Thomas H. Savage, agent of Green Bay Agency, Wis., in regard to wasteful cutting of pine on the Menomonee Reservation:

I have the honor to state that the superintendent of logging and myself have recently visited and examined a considerable portion of the pine lands cut over in the past three winters and find that there is now not less than 20 per cent of the original amount of pine left standing on the lands supposed to be cut. I am creditably informed that during the logging season each year the late superintendent gave orders to the Indians that no tree that had the slightest defect should be cut, and to cut no Norway pine. The result of these orders is as stated above, thus leaving

this timber to go to waste, and with this dry season it is in imminent danger of being destroyed by fire.

The timber that has been cut is that which was most convenient for banking. The remaining timber not cut over is so remote from the streams that under the law under which the cutting and banking has heretofore been done, it is hardly practicable to put in the 20,000,000 feet for the amount appropriated for that purpose.

I am of the opinion that the law should be amended so as to permit the paying a higher price to contractors; an appropriation of $125,000, or so much of it as was necessary, I do not think would be out of place.

In relation to the cut-over lands I would respectfully suggest that the Indians be allowed to go on and relumber that on the same terms that shingle bolts were got out, to wit: All the logs minus scaling, miscellaneous expense, and the 10 per cent for the poor. This would furnish them employment pending an action of Congress, making a larger appropriation for banking logs, and on the sale of logs so got out furnish them the means of going on without incurring so much indebtedness.

If this arrangement could be made I think it would be much better, if it can be done, that no more new cutting be done until a larger appropriation for the purpose is made.

In conclusion, I would respectfully request that an inspector be sent here to investigate and report on what is necessary. The time for preparation for the winter's work is near at hand and I only regret that this matter has not been reported to on earlier.

To the above this office replied, October 18, 1893, as follows:

I am in receipt of your communication of 18th ultimo, in regard to logging by the Menomonees, and I am also in receipt of a letter from Gen. E. Whittlesey, secretary board of Indian commissioners, in reference to the same subject, wherein he takes a nearly similar view of the matter to yours.

It appears that the cutting during the last three or four seasons has been badly managed; that the best trees only were selected, and that 20 per cent of 13,000,000 feet has been left to go to waste.

It appears further that, owing to the scattered condition of this timber, and the fact that much of it is faulty, it can not be banked as cheaply, nor is it likely to bring as much as that banked by these Indians heretofore, under the provisions of the act of June 12, 1890, and you suggest that the act be amended so as to allow $125,000 to be used in paying for the banking in place of only $75,000, or that the Indians be allowed to bank this timber and receive the entire proceeds of its sale, except the necessary expense for scaling, etc., and 10 per cent for the poor fund. In these suggestions Gen. Whittlesey agrees with you substantially.

In reply you are informed that so long as the act stands its provisions must be strictly complied with, and there is no likelihood of any change being made in it in the near future, as it would be almost impossible to obtain any new legislation in regard to it at present.

You will therefore consult with the logging superintendent and submit to this office at as early a day as practicable a set of rules to govern the logging operations of these Indians during the coming season, which rules, however, must be in strict harmony with the act.

To this the agent replied, October 27, 1893, viz:

I have the honor to state, in reply to letter of October 18, 1893, instructing me to consult with the logging superintendent and submit a set of rules to govern logging operations during the coming season, to be in strict harmony with the act, that after carefully considering what is most needful for the Indians and to their best interests, and a study of the rules adopted by the Indian Department in letter of September 28, 1892, for logging operations for the winter of 1892 and 1893, we have concluded that no better set of rules could be formulated in the limited time, and I

respectfully recommend that these rules be adopted for the logging operations of the coming winter with the one amendment that the limit to pay no more than $5 per M feet be modified so as to allow of $6 per M to be paid in contracts where the logging superintendent shall deem it necessary to do so.

In this connection I should like to be instructed as to the interpretation of the law as to the amount to be lumbered. Can the $75,000 set apart for the work be expended on any less amount than the 20,000,000 feet B. M. which the act provides shall not be exceeded?

November 1, 1893, I addressed the following communication to the Department:

I have the honor to submit a communication from Thomas H. Savage, agent at Green Bay Agency, Wisconsin, in reply to a request from this office that he and the superintendent of Menomonee logging, under act of June 12, 1890 (26 Stats., 146), would prepare for your approval, as required by the act, a set of rules to govern their logging operations during the coming winter.

Agent Savage states that he considers the rules which were in force last season can not be improved upon, except that the limit in the first section of $5 per M feet as the highest price to be paid for logging is too low and should be placed at $6.

He does not give his reason for the recommendation, but they are apparent from the facts stated in the inclosed communications, to wit: The good timber is now farther from the river banks, and new roads will have to be made, and, owing to bad management of the former superintendent, the cutting so far has been very irregular, much valuable though defective timber having been left standing scattered on the land cut over, which it is proposed shall now be banked, if practicable.

In view of all the facts I respectfully recommend that the rules established for last season be again approved, with this modification, viz:

1. That the agent at Green Bay Agency, Wis., with the assistance of the superintendent of logging, enter into agreements with individual Menomonees, to pay each a certain price for timber delivered upon the river banks; separate contracts to be made for delivery of pine from those made for delivery of other kinds of timber; that in no case shall more than $6 per M feet be paid for pine or $2.50 per M feet for any other kind of timber; and that all agreements shall be made subject to the approval of the Commissioner of Indian Affairs.

2. That each contractor, or boss of a squad, be paid a rate, to be agreed upon, for cutting and banking timber, in proportion to and in harmony with all the conditions under which the timber he is to cut and bank is situated; the location of each contractor's timber, price to be allowed him per M feet, and number of feet he will be allowed to bank to be determined upon and named in each contract before signing; said contracts to be executed in duplicate, one copy to be handed to the logger, and all necessary instructions given to him before he commences operation, to abide by which he must signify his full consent.

3. That a definite time be agreed upon and named in each contract for commencing work by each contractor, and a date fixed by the agent and superintendent, of which due notice will be given to the Indians, after which no more applications for the privilege of logging will be received, or contracts made.

4. That any contractor banking more logs than his contract calls for shall forfeit the surplus.

5. That a sufficient number of scalers and assistant scalers be employed to keep the logs scaled up every week, and to be sworn to perform their duties faithfully, the scalers to be paid $2.50 per day and the assistant scalers $2 per day each, without board.

6. That the scalers make report to the agent every two weeks, showing the exact number of feet banked by each contractor during that time.

7. That when one-half of the logs contracted for by any Menomonee shall be banked as required and measurement of the same returned to the agent, 50 per cent

of price for banking such logs may be paid to such contractor; and when the entire contract shall be completed, full payment shall be made on the 15th day of April, 1894, or as soon thereafter as practicable, and the logger shall pay all arrearages for labor at this latter payment.

8. That contractors shall pay a fair, reasonable, and usual rate of wages to their assistants, and shall, under the supervision of the superintendent, furnish the agent with a monthly statement showing the amount due to each laborer at the end of every month.

9. That no outside Indian be allowed to assist in banking Monomonee logs without the consent of the agent and superintendent, Menomonee Indians to have the preference in all cases.

10. That no squawman or white man of any class be allowed to take part in the logging, in any capacity whatever, except when authorized by the agent and approved by the Department.

11. That no contractor shall be interested in more than one contract at the same time.

12. That all traders or other persons supplying the Indians with goods for the logging be required to furnish a price list, a statement of their accounts with the Indians, and whenever so required an itemized statement of goods furnished.

13. That the agent may give the contractor a statement showing the amount then due and the amount (50 per cent) reserved for labor, provided that it is expressly stated that neither the Government nor the agent guarantees any part of the indebtedness that the logger may incur.

14. That no logs are to be scaled unless properly landed and marked, and landings and rollways cleared before logs are landed.

November 4, 1893, these rules were returned approved, as follows:

I acknowledge the receipt of your communication of 1st instant, relative to logging operations by the Menomonee Indians for the season 1893–'94.

Authority is hereby granted for your office to instruct the agent of the Green Bay Agency, Wis., to employ, at reasonable compensation, the Menomonee Indians to cut and bank as hereafter provided not exceeding 20,000,000 of feet of timber on the lands reserved for them, and, in accordance with your recommendation, the rules governing last year's logging operations by the said Indians, under the provisions of the act of June 12, 1890 (26 Stats., 146), modified as set out in your letter so as to allow not more than $6 per M feet to be paid for pine timber, instead of $5 per M feet for said timber, are hereby approved for the season 1893 and 1894, and you are hereby directed to instruct the agent of the Green Bay Agency to confine the cutting so that the dead and down timber and the timber left standing scattered on the land heretofore cut over shall be cut and banked before any new lands are cut over, and in the cutting of tops and butts into shingle bolts you will direct that no timber which will make a merchantable saw log shall be cut into shingle bolts.

November 8, 1893, I instructed Agent Savage as follows:

Your communication of 27th ultimo was received, wherein you stated that the rules adopted last year for logging are as good as you can now formulate, except that the maximum sum to be paid for banking pine timber should be placed at $6 instead of $5 per M feet, as in the former bill.

In view of your explanation, and on recommendation of this office, the Department, under date of 4th instant, has approved the rules for last year and authorized them to be used this year, except that $6 may be paid, when actually necessary and proper, for banking pine timber. I will inclose a copy of the Secretary's letter for your information.

You will observe that you are to confine the cutting to dead and down timber and the timber left standing scattered on the land heretofore cut over until the 20,000,000 feet is banked.

In addition to the 20,000,000 to be cut under the provisions of the act, the Menomonees may cut the tops and butts into shingle bolts, but no timber that will make a merchantable saw log is allowed to be cut into said shingle bolts.

As there have been many abuses of these privileges granted the Menomonees, it is expected that you and the superintendent of logging will carefully watch them all the time while they are at work, and see that there is no deviation from the rules laid down in this Department letter.

As will be understood by the foregoing, the logging prospect was not so good this season as formerly, but I was determined to prevent wasteful cutting in future, and I hoped that under the care of the new agent and a new superintendent of logging—a superintendent having been appointed who was highly recommended as a practical and reliable man—such good work would be accomplished that the Indians would be satisfied.

Under these instructions the agent and logging superintendent made seventy-two contracts with the loggers at prices ranging from $4 to $6.

Under the circumstances in which the logging had to be carried on, it was not expected that the entire 20,000,000 feet allowed by the act could be banked, which proved true, as only about 14,000,000 feet were banked.

February 7, 1894, Agent Savage requested authority to advertise the logs for sale. This was earlier in the season than usual, but he explained that he believed early sales would secure better prices. This request was submitted to the Department, and February 26, 1894, the following authority was received:

In compliance with the recommendation contained in your communication of 24th instant, authority is hereby granted for the agent of the Green Bay Agency, Wis., to publish an advertisement, as per the form herewith returned, in the weekly editions of the Shawano County Advocate, Enquirer, of Oconto, the Advocate, of Green Bay, Wis., two times in the regular issues succeeding the date of the receipt of this advertisement, and for six days from date of receipt of this advertisement, covering six consecutive insertions in the daily editions of the Oshkosh Times, of Oshkosh, Wis., inviting sealed bids for about 13,280,000 feet of pine logs cut on said reservation by Menomonee Indians during the season 1893–'94, under the provisions of the act of June 12, 1890 (26 Stats., 146), to be opened in the presence of the bidders in the office of the Green Bay Agency, at Keshena, Wis., at 2 o'clock p. m., March 15, 1894.

And authority is also hereby granted for said agent to expend a sum not exceeding $5 in having posters printed to further advertise said logs.

The sale and disposition of the proceeds to conform in all other respects with the provisions of the act of June 12, 1890, above referred to.

The agent was instructed accordingly, and he inserted the following advertisement in the various papers named:

MENOMONEE INDIAN LOGS FOR SALE.

Sealed proposals, marked "Bids for Menomonee logs," addressed to the undersigned, will be received until 2 o'clock p. m., March 15, 1894.

There are to be sold 13,280,000 feet, more or less, of pine logs now banked, or to be banked, partly on the South Branch of the Oconto River and partly on the Wolf

River and tributaries, on the Menomonee Reservation, in Wisconsin, in five lots, and in quantities nearly as follows:

2,850,000 feet on Wolf River, marked U. S. 1.

3,480,000 feet on Little West Branch of Wolf River, marked U. S. 3.

1,056,000 feet on West Branch of Wolf River, marked U. S. 2.

3,606,830 feet below dam on South Branch of Oconto River, marked U. S. 5.

2,287,170 feet above dam on South Branch of Oconto River, marked U. S. 6.

Separate bids will be considered for each lot. The logs will be scaled by sworn scalers, whose work can be readily tested.

Payment for the logs must be made within ten days after notification of a confirmation of sale.

No logs to be removed from the reservation until paid for.

Each bid to be considered must be accompanied by a certified check for 5 per cent of the amount of the bid (or as near that per cent as practicable to ascertain) on some U. S. depository or solvent national bank, drawn to the order of the undersigned as U. S. Indian agent.

The bids will be opened in the presence of the bidders in the office of the Green Bay Agency, at Keshena, Wis., at 2 o'clock p. m. of March 15, 1894.

Awards will be made to the highest bidder or bidders, but no sale to be valid until confirmed by the honorable Commissioner of Indian Affairs and the honorable Secretary of the Interior, who reserve the right to reject any or all bids, if to do so is believed to be for the best interest of the Indians.

Checks of parties whose bids are not accepted will be returned to them after the sale has been consummated.

If parties whose bids are accepted fail to comply with the requirements of the Indian Department, in the purchase or payment for said logs as advertised, their checks will be forfeited, and the logs awarded to the next bidder or bidders, or so resold, as may be deemed for the best interest of the Indians.

THOS. H. SAVAGE,
U. S. Indian Agent.

Keshena, Wis.

March 22, 1894, five bids received by Agent Savage for the logs were submitted to the Department with the following office letter:

I have the honor to report that under authority granted by the Department, dated 26th ultimo, Mr. Thomas H. Savage, Agent, Green Bay Agency, Wis, advertised for sale the logs cut and banked by the Menomonee Indians during the season 1893-'94, and I now inclose the bids he has received for purchase, viz:

	Per M feet.
No. 1, Pine Lumber Company, for all, 13,330,000 feet	$8.18
No. 2, Radford Bros. & Co., for all, 13,330,000 feet	8.25
No. 3, Oconto Company, for a part, viz, 5,894,000 feet	9.60
No. 4, Hollister & McMillan, for 7,436,000 feet	7.00
No. 5, Hollister & McMillan, for all, 13,330,000 feet	8.35

It will be observed that the bid of the Oconto Company, No. 3, for a part, viz, 5,894,000, at $9.60 per M feet, is the highest, and that bid No. 5, of Hollister & McMillan, of $8.35 per M feet, is the highest bid for all. In view of these facts I telegraphed Agent Savage:

If Oconto Company is awarded lots five and six at nine sixty, will Hollister & McMillan take lots one, two, and three only at eight thirty-five?

In reply, inclosed, he says:

Hollister & McMillan will not take lots one, two, and three at eight thirty-five unless lots five and six are included.

The price offered by Hollister & McMillan of $8.35 for all is much lower than the Menomonee timber brought last season, the price received being $13.75 per M feet;

but this season's cutting was over the old ground, and includes dead and down timber, and much of that cut standing had been rejected before as inferior; consequently the quantity banked is not so good as the cut of 1892–'93. It must also be considered that the general scarcity of money has some effect on the price of lumber as well as other merchandise, and as I think, under the circumstances, it would not be of advantage to reject all these bids and readvertise the lumber, I respectfully recommend that bid No. 5, that of Hollister & McMillan, of $8.35 for all, amounting to 13,330,000 feet (more or less), be accepted and the sale confirmed to that firm.

The Department replied the same date as follows:

I have considered your communication of 22d instant, submitting bids received for the purchase of timber cut and banked by the Monomonee Indians during the season of 1893 and 1894, under the provisions of the act of June 12, 1890 (26 Stats., 145), in accordance with the advertisement authorized by Department letter of 26th ultimo.

The bid of Messrs. Hollister & McMillan, being the highest for all the logs cut and banked, is hereby accepted, and authority is hereby granted to sell said logs, amounting to 13,330,000 feet (more or less), to said parties at the price offered by them, $8.35 per thousand feet.

The sale was consequently confirmed to Messrs. Hollister & McMillan, who in due time received the logs, paying therefor $111,305.50.

Out of this money the loggers were paid for banking $52,493.75, and after the other necessary expenses, such as pay of superintendent, assistant superintendent, extra clerical work, scaling, and advertising, the net proceeds were placed to the credit of the Indians, as provided for in the act, viz, one-fifth to be used for the benefit of the Indians at the discretion of the Secretary of the Interior, and the balance to bear 5 per cent interest, to be paid to them per capita, or expended for their benefit as the Secretary of the Interior may direct.

About the time that the Indians had finished banking their logs I received the following letter from the agent, dated February 9, 1894, in regard to utilizing tops and butts by banking them as shingle bolts:

I have the honor to request that I be informed if, under letter of November 8, 1893, I am authorized to allow Menomonees—when they have banked the logs according to their agreements—to proceed to bank shingle bolts from tops and butts and timber that would otherwise be unmerchantable. If I am not so authorized I would respectfully request such authority, and that money be furnished to pay for scaling said shingle bolts, to be refunded from the proceeds of sale of said shingle bolts.

Indians banking shingles to have balance—after paying scaling and all other incidental expense—less 10 per cent for poor fund.

As I anticipated that the regular logging returns would be very limited this season, I addressed the Department as follows, February 19, 1894:

I have the honor to submit a request from Thomas H. Savage, agent, Green Bay Agency, Wis., for authority to allow the Menomonee Indians belonging to his agency to bank as shingle bolts part of the timber on their reservation, which is not suitable for sale as logs or "timber" under provisions of act of June 12, 1890 (26 Stats., 146).

Under date of November 1, 1893, this office submitted to the Department a number of communications in regard to the logging operations by these Indians during the season of 1883 and 1884, wherein the situation is fully explained and application made to allow these Indians to prepare the refuse timber for shingle bolts while they were engaged in banking pine logs under the provisions of the act.

This office is of the opinion that to grant this privilege to these Indians, to take

effect at the same time that they were engaged in banking, (or preparing to be banked) their good, marketable timber, as described in the act, might give them an easy opportunity and present a temptation to them to cut some of the timber "short," so that it would not sell to log dealers, but be of more immediate advantage to the choppers if sold to the shingle men, as it is not subject to the deduction provided for in section 3 of the act, the loggers getting cash in hand all of the funds except 10 per cent of the net amount realized.

These Indians took advantage of similar authority granted them years ago by banking logs for shingle bolts which properly should have been classed as "timber" under the provisions of the act, giving the Department considerable annoyance to adjust, and it was, therefore, believed to be best to wait until their season's regular logging was finished before granting it.

It appears by the letter from the agent, inclosed, dated 6th instant, that they have contracted for banking only about 13,280,000 feet in place of 20,000,000 as allowed in the act, as in compliance with the instructions the work was confined to "dead and down timber left standing, scattered on the land heretofore cut over," which, it appears, limited the possibility of banking the greater quantity.

As the class of timber used for this purpose would otherwise become a total loss in a short time, and as it is of considerable benefit to the Menomonees to be allowed to sell it, I respectfully recommend that authority be granted for them to bank it for that purpose, under similar provisions to those contained in Department letter of February 3, 1893, which reads:

"That the agent and logging superintendent be required to enforce such rules and regulations as will effectually prevent any illegal cutting.

"That the shingle bolts are to be scaled by properly qualified scalers.

"That they are to be advertised and sold by the agent of Green Bay Agency.

"That all expense connected with scaling, advertising, sale, etc., be paid from the proceeds of sale.

"That 10 per cent of the net amount realized be set apart as stumpage or poor fund.

"That the balance remaining be divided among the loggers in proportion to the quantity of shingle-bolt timber each banked, and that every Menomonee who cuts any timber illegally under the authority shall forfeit all he banks."

As the same are modified by the following paragraph of Department letter of November 4, 1893:

"[illegible] and in the cutting of tops and butts into shingle bolts you will direct that no timber which will make a merchantable saw log shall be cut into shingle bolts."

The quantity to be so banked for sale is not stated, as it will be uncertain, but this is not considered to be material, as the class of timber is not considered a part of that provided for sale by the act.

In compliance with this recommendation the Department, February 20, 1894, issued the following instructions:

I acknowledge the receipt of your communication of 19th inst., and accompanying papers, relative to allowing the Menomonee Indians to bank as shingle bolts part of the timber on their reservation which is not suitable for sale as logs or "timber" under the provisions of the act of June 12, 1890 (26 Stats., 146).

The question of permitting the Menomonees to cut and bank the tops and butts of pine trees cut for sale under the provisions of the act above referred to was considered by the Department, and it held, October 7, 1891, "as the tops and butts are not timber such as was contemplated by the act to be furnished and disposed of, I am of the opinion the same can be used for firewood or shingle bolts, and authority is hereby granted for the disposition thereof under such regulations as you may prescribe."

This authority related solely to the tops and butts of pine trees cut for sale under the act, and did not authorize the cutting of any trees not suitable for sale as logs or timber into shingle bolts.

The authority for this year's cutting, contained in Department letter of November 4 last, confines "the cutting so that the dead and down timber and the timber left standing—scattered on the land heretofore cut over—shall be cut and banked before any new lands are cut over, and in the cutting of tops and butts into shingle bolts you will direct that no timber which will make a merchantable saw log shall be cut into shingle bolts."

There is nothing in this authority which would authorize the cutting of any tree, unmerchantable though it be, wholly into shingle bolts, and the agent's request to cut said class of timber into shingle bolts must be denied unless said timber is to be sold as part of the 20,000,000 feet under the provisions of the act of June 12, 1890.

The tops and butts of trees cut under the authority of November 4, 1893, may be disposed of as shingle bolts under the same rules as were prescribed by Department letter of February 3, 1893, modified by Department letter of November 4, 1893, and the same is so authorized.

These instructions were at once communicated to Agent Savage. In regard to his request that funds be advanced the Indians for the prosecution of the work, I said:

Your request for funds to be advanced the Indians with which to do the work, is not understood, as it has been customary for them to do this shingle-bolt cutting at their own expense and await the proceeds of the sale. As this shingle timber is not cut under the provisions of the act no part of the $75,000 allowed by said act can be used.

These instructions, as I believe, were carefully carried out, and April 4, 1894, Agent Savage asked authority to advertise the bolts, which the Department granted April 12, 1894, as follows:

In compliance with the recommendation contained in your communication of the 9th instant, authority is hereby granted for the agent of the Green Bay Agency, Wis., to publish an advertisement, as per the form submitted and herewith returned, in which dates are to be inserted, in the weekly editions of the Shawano County Advocate; Enquirer, of Oconto; Advocate, of Green Bay, Wis., two times in the regular issues succeeding the date of receipt of the advertisement, and for six consecutive days from date of receipt of the advertisement in the daily editions of the Oshkosh Times, of Oshkosh, Wis., inviting sealed bids to be opened in the presence of the bidders in the office of the Green Bay Agency, Wis., at 2 o'clock p. m., April 25, 1894, for the sale and disposition of 1,753,710 feet of shingle bolts cut by the Menomonee Indians last spring, under Department instructions of February 20, 1894; said sale and disposition to be in accordance with the provisions of the rules contained in Department letter to your office of February 3, 1893.

The bids were opened, as advertised, on April 25, 1894, and transmitted by the agent to this office, and were as follows:

August Anderson, Wolf and Oconto rivers, 1,825,780 feet, at $3.10.
August Anderson, Wolf River, 573,170 feet, at $2.65.
Radford Bros. & Co., Wolf River, 573,170 feet, at $1.80.
S. W. Hollister, Wolf and Oconto rivers, 1,825,780 feet, at $2.50.

The prices offered were so low that I hesitated to accept them, and telegraphed Agent Savage as follows:

Do you recommend acceptance of August Anderson's bid of three ten per thousand feet for all shingle bolts? Or would it be wise to reject all and readvertise? Wire answer.

He replied:

Would recommend acceptance of bid for three ten for all shingle bolts as the best that can be done under circumstances.

I therefore submitted the bids to the Department with the recommendation that August Anderson's be accepted, which was complied with under date of May 5, 1894, and the agent so notified.

The amount, $5,656.82, was duly paid to Agent Savage and will be applied as follows: After all expenses, such as scaling, advertising, etc., are deducted, and 10 per cent for the stumpage or poor fund, the balance will be paid to the Indians who banked the shingle bolts.

While in many instances higher prices were paid for logging this season than in previous years, yet on the whole the Indians did not earn so much, and they are not fully satisfied in regard to the proceeds of their timber operations, thinking that they should result in a great deal more to their credit in the Treasury. I have therefore made this statement full to show that the Department and this office have endeavored to do the best possible for them in every case.

Lac du Flambeau Reservation, Wis.—In my annual report for 1893, I gave an account of the efforts made by this office and the Department in 1891 and 1892 to dispose of the dead and down timber on the unallotted lands of the Lac du Flambeau Reservation, in order to afford relief to the Indians thereof who were in a destitute condition. I also reported the fact that September 28,1892, the President authorized the acceptance of a proposal from Messrs. J. H. Cushway & Co., of Ludington, Mich., to operate a saw and shingle mill upon leased property on the reservation, they agreeing to purchase the timber on the allotted lands of the reserve and the dead and down timber on the unallotted lands, at prices favorable to the Indians, and so far as practicable to employ Indians to the exclusion of white men for logging and for work in the mill.

The authority of September 28, 1892, permitted the Indians who had previously received allotments to sell their timber to Messrs. Cushway & Co. There were at that time eighty-nine allottees, and up to the date of my last report contracts had been made by Messrs. Cushway & Co. with all but eleven of them. Their allotments, however, had been already largely cut over by timber purchasers and depredators.

March 9, 1894, the President approved a list of eighty-four new allotments on this reservation, and April 4, 1894, upon the recommendation of this office and the Department, he extended the authority of September 28, 1892, so as to cover these new allotments also. Since that time Messrs. Cushway & Co., having filed a new bond with surety to cover their operations on the reservation, have entered into contract with all of these new allottees and with six of the old allottees with whom no contracts had previously been made, so that all the allottees on this reservation except five have now agreed to sell their timber to Messrs. Cushway & Co. On the approval by this office of each contract with an allottee they are bound under their contract to pay such allottee $50, and annually thereafter, until the timber is cut, 5 per centum of the

estimated value of the timber on the allotment, the same to be deducted from the purchase price thereof. Each allottee will thus be assured of some return every year from his timber, until it is cut and removed.

So far as this office has been advised, the operations of Messrs. Cushway & Co. have been eminently successful in giving the Indians employment and thus providing them means of subsistence. Lieut. Mercer, the acting agent for the La Pointe Agency, has uniformly reported the success of the plan, and the office is encouraged to believe that great benefit will result to the Indians from the operations of this firm on their reservation.

Bad River Reservation, Wis.—Until recently the condition of the Chippewas on the Bad River Reservation was as deplorable as that of the Lac du Flambeau Chippewas prior to the granting of authority for the sale of their timber to Messrs. Cushway & Co. October 18, 1893, Lieut. Mercer, acting agent, transmitted to this office a petition numerously signed by the Indians of the Bad River Reservation, praying that a proposition made to them by J. S. Stearns, for the purchase of the timber on their respective allotments, and the dead timber standing or fallen on the unallotted lands of their reservation, be accepted by the Government, the prices offered being considered both by Lieut. Mercer and the Indians as very advantageous.

This proposition was similar to that made by Cushway & Co. for the purchase of timber on the Lac du Flambeau Reservation, the difference being in the variety of timber agreed to be purchased and the prices. These prices were as follows:

	Per M feet.
Shingle timber	$0.65
Merchantable dead pine	2.00
Merchantable green white pine	4.00
Green Norway pine	2.00
Green or sound hemlock	1.00
Merchantable bass wood	2.00
Merchantable elm	2.00
Merchantable maple	2.00
Merchantable birch	2.00
Merchantable oak	4.00

Acting Agent Mercer stated that there were undoubtedly 50,000,000 feet of timber on the reservation that had recently been burned, and a great amount of other dead timber, such as windfalls, the greater part of which if left uncut and out of the water would not pay the cost of removal; also that the Indians on the reservation were practically without work, and most of them without provisions, to carry them through the winter, and that the prices offered by Mr. Stearns were very much higher than those offered by a number of other lumber dealers in the vicinity of the reservation to whom he had applied. This office therefore reported to the Department that if the Department should conclude to make additional allotments to the Indians on the Bad River and Lac du Flambeau reservations, as recommended in office reports of

May 25, June 13, and July 5, 1893, the proposal made by Mr. Stearns to purchase the timber of the Bad River Indians would be prepared for submission to the President.

In reply, October 27, 1893, the Department directed this office—

To have prepared, for the action of the Department and for submission to the President for his authorization of the sale of timber on the allotted and unallotted lands of the Bad River Reservation, the proposal of Mr. Stearns, together with such regulations governing the cutting of said timber and the payment therefor as will best protect the interests and the welfare of the Indians, and prevent the cutting of any green timber on the unallotted lands. Your letter should also show that the dead and down and burned timber sought to be cut has not been killed, burned, girdled, or otherwise injured for the purpose of securing its sale.

On receipt of these instructions Lieut. Mercer was telegraphed to report whether the timber proposed to be cut on the Bad River Reservation had been killed, girdled, or otherwise injured for the purpose of securing its sale by the Indians, or others interested, and he replied by telegraph, November 7, 1893, as follows:

No foundation whatever for idea of intentional fires on La Pointe. Timber all over northern Wisconsin burned at same time; railroads, camping and hunting parties, and extension of outside fires the cause. No injury to timber for sale except by fire and wind. If any timber girdled by ax it has been done by sehyms (?) in last few days. Know of none, but suspect. Will investigate.

Later, November 10, 1894, Lieut. Mercer telegraphed again as follows:

Have made reexamination La Pointe timber. No trees injured except by fire and wind. No intentional injury to timber. This can be depended on. Indians have lost chance for outside work, expecting work on reservation. Early action strongly recommended.

November 18, 1893, the office submitted a statement relative to Mr. Stearns' proposition, and a draft of rules and regulations to govern the sale of timber in accordance therewith, and recommended that the President be requested to authorize the sale of timber on the allotted and unallotted lands of the reservation by approving said rules and regulations, which were substantially the same as those under which the Lac du Flambeau logging was being done.

The President granted the required authority, and Mr. Stearns filed his bond for $50,000, which was approved by the Department January 12, 1894, and Acting Agent Mercer was directed January 18, 1894, to permit him to begin operations, and to see that the rules and regulations were strictly complied with by all parties concerned in the cutting and manufacture of timber on the Bad River Reservation. He was also notified that the office regarded it important that the Indians should be assisted and advised in the matter of their contracts by some one familiar with the value of timber and with timber operations, and he was therefore directed to thoroughly supervise the making of the contracts himself, or to designate one of his employés who was familiar with logging operations and the value of timber, to assist the Indians

in making their contracts and to see that the prices agreed upon were reasonable and fair.

March 9, 1894, the President approved a list of 38 new allotments to the Indians of the Bad River Reservation, and March 22, 1894, the office recommended that the President authorize the sale to Mr. Stearns of the timber on these 38 new allotments under the regulations, and at the prices named in the authority of December 6, 1893. April 4, 1894, the President granted the authority requested, and Mr. Stearns has filed a stipulation executed by himself and the City Trust Safe Deposit and Surety Company of Philadelphia (his surety on his original bond) extending the stipulations of that bond to cover his operations under the new authority.

One hundred and sixty-eight contracts have been entered into between Mr. Stearns and the Indian allottees, and it is understood that he is actively engaged in the erection of his plant for logging and for the manufacture of lumber.

So far as this office has been advised his operations on the Bad River Reservation have been to the entire satisfaction of the agent and for the benefit of the Indians.

EXHIBITION OF INDIANS.

During the past year numerous applications have been received asking for authority to take Indians from reservations for exhibition purposes. In most cases I have refused to grant the requests. Many applicants for such authority have shown their untrustworthiness by being unwilling to file with this office the bond required to insure the proper payment and treatment of the Indians while away from their reservations and their safe return home.

In all cases where engagements with Indians for exhibition purposes have been made, their employers have been required to enter into written contracts with the individual Indians, obligating themselves to pay such Indians fair stipulated salaries for their services; to supply them with proper food and clothing; to meet their traveling and needful incidental expenses, including medical attendance, etc., from the date of leaving their homes until their return thither; to protect them from immoral influences and surroundings; to employ a white man of good character to look after their welfare; and to return them without cost to themselves to their reservation within a certain specified time. They have also been required to execute bonds for the faithful fulfillment of such contracts. Authorities of this sort granted during the past year by the Department are as follows:

March 20, 1894, to Gordon W. Lillie ("Pawnee Bill") to take 35 Indians from Rosebud Reservation, S. Dak., to the Antwerp Exposition, Belgium. The bond given by Mr. Lillie was for $10,000.

March 23, 1894, to Messrs. Cody ("Buffalo Bill") and Salsbury to take 125 Indians from reservations in North and South Dakota and Okla-

homa, for general show and exhibition purposes. The bond given by the firm was also for $10,000.

April 13, 1894, to H. S. Parkin to take 10 Indians, with their families, from Standing Rock Reservation, N. Dak., to the Atlantic seaboard, for the purpose of showing the transformation from savagery to civilization, and for the further purpose of disposing of articles manufactured by them. A $5,000 bond was required of him.

July 2, 1894, to Mr. Stone, of Perry, Okla., to enter into agreement with some Indians of Ponca, etc., Agency, Okla., for the purpose of going East and playing ball. He was required to file a bond of $5,000.

August 22, 1894, to William L. Taylor ("Buck Taylor") to take not to exceed 25 Indians from Rosebud Reservation, S. Dak., for general show and exhibition purposes. The bond given by Mr. Taylor was for $5,000.

In a few cases during the year authority has been granted for Indians to attend industrial expositions or local celebrations. This has been done at the urgent request of responsible parties having such matters in charge, and in the belief that the visits would have an educative influence upon the Indians themselves. The office, however, in granting the permission, exacted such conditions and restrictions as would secure to the Indians good treatment and protection from bad company.

SALE OF LIQUOR TO INDIANS.

No further trouble has been experienced in connection with the sale of liquor to enlisted Indians since Judge Hanford, of the United States district court for the district of Washington, decided in the case of United States against Fox that Indians enlisted in the Army whose tribe is under the charge of an agent are also under the charge of an agent of the United States, within the meaning of section 2139 of the Revised Statutes as amended by the act of July 23, 1892 (27 Stats., 260). As I stated in my report for 1893, enlisted Indians had caused much trouble by furnishing intoxicating drinks to Indians on reservations in the vicinity of the military posts where such enlisted Indians were stationed.

Capt. Cooke, acting agent for the Blackfeet Agency, Mont., reported the establishment of a saloon on the summit of the mountains along the western boundary of the reservation, and stated that he had laid the matter before the district attorney for Montana. His action in the case was approved in office letter of June 23, 1894. It appears, however, from a later report from Capt. Cooke, that a question has arisen as to whether the saloon is within the reservation or on the public domain, and that an official survey will be necessary to determine the question. This matter will receive early attention.

Lieut. Plummer, acting agent for the Navajo Agency, Ariz., reported, June 5, 1894, that a great deal of whisky was being sold to the Indians of his agency at certain places in New Mexico, and that it was very difficult to obtain white witnesses to the fact of the selling of

the liquor to Indians, and impossible to secure conviction on Indian testimony before the Mexican juries that always try such cases in New Mexico. As deputy marshals and other civil officers receive pay only for arrests, that fact prevents them from devoting the necessary time to investigating these cases of whisky selling to the Indians; and therefore Lieut. Plummer stated that such work, to be successful, must be performed by a special officer, and recommended the appointment of one J. W. Green, of Gallup, N. Mex., to be a special deputy U. S. marshal for the purpose of detecting and bringing to justice the parties engaged in the nefarious traffic. As there is no authority of law for the appointment of a special officer for this purpose, the matter was submitted to the Department by office report of June 14, 1894, with the recommendation that the Department of Justice be requested to send a special agent of that Department to investigate the sale of liquor to Indians at the places mentioned by Lieut. Plummer, with a view to bringing to justice persons engaged in the traffic of whisky with the Indians of that agency, or with any other Indians whose tribe is under the charge of a superintendent, agent, or subagent of the United States, in accordance with existing law.

At the Uintah and Ouray Agency in Utah, much trouble has been experienced from the sale of liquor to Indians by certain squatters on the strip of land which was segregated from the Uintah Reservation and restored to the public domain under the act of May 24, 1888 (25 Stats., 157). The attention of the office was called to this matter by a report of September 10, 1893, from Maj. James F. Randlett, acting agent. September 21, 1893, the office instructed him to furnish the U. S. district attorney for Utah with the names of the parties who had sold or otherwise furnished liquors to Indians of his agency, and with names and addresses of witnesses to the offense, and to request the district attorney to take the steps necessary to bring the guilty parties to punishment under the provisions of section 2139 of the Revised Statutes, as amended by the act of July 23, 1892 (27 Stats., 260); also to consult with the local authorities of the Territory of Utah with a view to breaking up the resort of the squatters if the local laws would admit thereof.

June 25, 1894, the Department called the attention of this office to the fact that it had been reported to the Secretary that the Mexicans who worked a large portion of the land of the strip exerted a demoralizing, influence upon the Indians by gambling and selling whisky, and that there were also a large number of squatters, equally demoralizing, from whom the local authorities received large revenues for licensing their dens; it was also stated that no power other than that of the General Government could suppress them, and it was urged that steps be taken to abate the evil. Maj. Randlett was accordingly directed, July 12, 1894, to report to this office fully relative to these matters in order that an attempt might be made to relieve his agency of the nuisance

complained of. Two reports on the subject have been received from him. In the first, dated July 10, 1894, he gave detailed statement of several murders among the Indians which were the direct result of the sale of whisky to them by the parties located on the strip, and said that his Indian police were inefficient in detecting the violators of the intercourse laws, and unable to deal with the matter. I therefore recommended in a report to the Department of August 17, 1894, that the Department of Justice be requested to send a special agent to the Uintah Agency for the purpose of detecting the parties guilty of the illicit traffic in liquors with the Indians, and expressed the belief that the conviction of some of the parties would have the effect to deter the others from further violations of the law in this respect.

The sales of liquor to Indians who have received their allotments and therefore become citizens of the United States, and the attitude of the courts toward that question, threaten serious embarrassment in the administration of Indian affairs. In 1890 the U. S. district court for Washington decided that the Puyallup Indians in that State were citizens of the United States; that the United States was not authorized to maintain an agency over them, and that the Indians were not under the charge of a U. S. Indian agent within the meaning of the intercourse acts prohibiting the sale of liquor to Indians. I have recently received reports from agents of the Shoshone Agency, Wyo., and the Grande Ronde Ageney, Oreg., inviting attention to a decision by Judge Bellinger of the district of Oregon, in which it is held that Thomas Kawkes and Edward Kline, charged with selling liquors to Indians who have received allotments in severalty, had not violated the law for the reason that the allotment of lands in severalty to Indians has removed them from under the charge of Indian agents and given them the standing of American eitizens, and that as such the laws of the United States governing Indian wards of the Government do not apply to them, since the selling of liquor to an Indian who is not in charge of a U. S. Indian agent is not punishable under the United States statutes.

In commenting on this decision, Capt. Ray of the Shoshone Ageney says that if the interpretation of the law as laid down by Judge Bellinger is correct he does not think any advantages to be derived by the Indians from allotments will compensate for the evils that will follow the opening of the reservations to whisky sellers, and that in their present condition it will practically destroy the Indians to remove them from the protection of the agent and turn them over to the most lawless element on the frontier. Agent Brentano of the Grande Ronde Agency reports that since this decision was rendered by Judge Bellinger a very large number of the Indians have gone off the reservation and become "gloriously drunk." He prediets that if the Indians are going to be permitted to drink all the whisky they like, the consequences are greatly to be feared.

The statutes of the United States relating to the sale of liquor to Indians are section 2139, Revised Statutes, as amended by the act of July 23, 1892 (27 Stats., 260) which is as follows:

No ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of whatever kind shall be introduced under any pretense into the Indian country. Every person who sells, exchanges, gives, barters, or disposes of any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind to any Indian in charge of any superintendent or agent, or introduces or attempts to introduce any ardent spirits, ale, beer, wine, or intoxicating liquor into the Indian country, shall be punished by imprisonment for not more than two years, or by fine of not more than $300 for each offense. * * *

The position taken by this office in regard to this matter is set out in a letter of my predecessor of November 21, 1892, to Elihu Coleman, esq., U. S. district attorney for the eastern district of Wisconsin, from which I quote as follows:

In reply I have to say that whether or not the Indians who have received allotments of land in severalty under the act of February 8, 1887 (24 Stats., 388), as amended by the act of February 28, 1891 (26 Stats., 794), are still under the protection of section 2139 of the Revised Statutes, is a question which can, of course, only be authoritatively determined by the courts. I am of the opinion, however, that, in the light of the decision of the Supreme Court in United States *v.* Holliday (3 Wall., 407), so long within the trust period as it may be deemed necessary by the Secretary of the Interior and the Commissioner of Indian Affairs for Indian allottees to remain under the charge of an Indian agent, the statute will apply to punish anyone selling or giving them any intoxicating beverages.

The Attorney-General, in an opinion of January 26, 1889 (19 Opinions, 232), advised the Secretary of the Interior that—

The Indians when organized as tribes, under the former policy of the Government, have been treated as domestic dependent nations under the guardianship of the United States * * *. In this contemplated new mode of life the guardianship which heretofore has been exercised over the tribe is to be transferred to the individual allottees provided for in this act. The separate manhood of each Indian is to be recognized, but still subject for a time to the care and supervision of the Government as trustee or guardian. The real estate falling to each allottee is not intended to be used during the period of guardianship for speculative purposes, but is so conditioned that in their period of wardship or tutelage the Indians shall not be subject to the danger of entering into an unequal competition with the whites in the field of traffic and general business outside of agriculture and grazing.

In the case against Holliday, above quoted, the Indian to whom the intoxicating liquors had been given or sold was a citizen of the United States, having been made so by treaty which provided for the dissolution of his tribal relations. He was a voter in the State of Michigan, but the Secretary of the Interior and the Commissioner of Indian Affairs had decided that for certain purposes the tribal relations of these citizen Indians should be recognized, and an agent was appointed over them. In passing on the case the court held *inter alia* that—

No State can by either its constitution or other legislation withdraw the Indians within its limits from the operations of the laws of Congress regulating trade with them, notwithstanding any right it may confer on such Indians as electors or citizens.

It also held that—

Whether any particular class of Indians are still to be regarded as a tribe, or have ceased to hold the tribal relation, is primarily a question for the political departments of the Government, and if they have decided it this court will follow their lead.

The Indian allottee remains for a time, as shown above, in a state of tutelage and wardship, and the Indian agent placed over him is continued for the purpose of

executing the duties of the Government as his guardian. The fact that he is a citizen does not take him from under the operation of the laws of Congress made for his protection and benefit, and any one who sells or gives him liquor is liable to punishment. The district court of the United States for Washington, I believe, ruled contrary to this view in a case tried by it in the spring of 1890. I have not seen that decision and I do not believe it has been published; but from the correspondence of the Indian agent on the subject I believe the decision of the court was in error, because, instead of following the decision of the political departments of the Government as to the condition of the Indians, the court decided for itself how the particular class of Indians affected should be regarded, and holding that, as they were citizens of the United States, the action of Congress and the Executive in maintaining an agency over them was unauthorized, and that the Indians were not under an Indian agent within the meaning of the statute. This seems to me to be contrary to the rule laid down by the Supreme Court. The Indians affected by this decision below were those of Puyallup Agency, Washington.

In connection with this subject your attention is also invited to the opinion of Attorney-General Miller of March 12, 1890 (19 Opinions, 511), which has a most important bearing on the question as to how the Indian allottees should be regarded and as to the duty of the Government to continue for a time its guardian care over them and their lands.

Inasmuch as the statute prohibits the sale, exchange, barter, or other disposal of any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind to any Indian under the charge of a superintendent or agent, and as the Supreme Court has decided that the question as to whether the agent shall be placed over the Indians is one for the determination of the political departments of the Government, and as this Department and the Congress have determined where agencies are maintained over Indians who have received their allotments that it is necessary for the discharge of the trust of the Government to appoint agents over these Indians, it is my belief that the position taken by my predecessor as to the application of the laws to prohibit the sale of whisky to Indians who have received allotments, but who are still under the charge of an agent of the United States, is sound and warranted by the laws and the decisions of the Supreme Court and the opinions of the Attorney-General, the opinions of the district courts of the United States to the contrary notwithstanding.

It is unfortunate that from the character of the cases in which this question would arise it is impracticable to secure a decision of the question by the Supreme Court of the United States. These cases are always criminal cases, and there is no power on the part of the United States to appeal from the decision of the courts below releasing the criminals charged with the violation of this law. The Government is therefore helpless to relieve the Indians of the dangers to which the attitude of the lower courts toward these questions exposes them.

RIGHTS OF CHILDREN OF INDIAN WOMEN AND U. S. CITIZENS MARRIED SINCE AUGUST 9, 1888.

A very important decision was made by the Department May 8, 1894, relative to the rights of children of Indian women the offspring of marriages between said Indian women and citizens of the United States entered into since the act of August 9, 1888 (25 Stat., 392). The second section of that act provides as follows:

> That every Indian woman, member of any such tribe of Indians, who may hereafter be married to any citizen of the United States, is hereby declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman: *Provided*, That nothing in this act contained shall impair or in any way affect the right or title of such married woman to any tribal property or any interest therein.

Prior to this act, an Indian woman entering into marriage with a citizen of the United States did not become a citizen, for the reason that the act of February 10, 1855 (10 Stat., 604), under which women of a different nationality became citizens of the United States by marriage to a citizen of this country, provided only for the admission to citizenship of such women as might "be lawfully naturalized under the general naturalization laws of the United States." An Indian woman could not be naturalized under the laws of the United States, as those laws were construed by the courts. (See Sixth Federal Reports, 256.) Therefore the children of Indian women married to citizens of the United States prior to August 9, 1888, have been regarded and treated as Indians and as members of the tribe to which their mother belonged, so far as their rights of property were concerned.

In a report of March 21, 1894, Capt. Charles G. Penney, acting agent for the Pine Ridge Agency of South Dakota, asked this office whether the children of an Indian woman married to a citizen of the United States since the act of August 9, 1888, would be entitled to a share in the per capita payment soon to be made at the Pine Ridge Ageney. In a report of April 3, 1894, the question was submitted to the Department with a request for instructions; and in that report I referred to and indorsed the position taken on the subject by my predecessor, in a report to the Department of March 17, 1892, which was that in marrying a citizen of the United States, since the date of the act referred to, an Indian woman by such marriage separates herself from her tribe and becomes identified with the people of the United States, and her children are citizens of the United States, in all respects, and in no respect can be deemed members of the tribe to which the mother belonged prior to her marriage. They would, therefore, have no right to share in the property of the tribe except such as they might take by representation of the mother on her death.

This view of the matter was based upon the fact that as long as the mother remained a member of the tribe, her interest in the tribal prop-

erty would be a personal interest which at her death would revert to the benefit of the tribe, and her children would be entitled to receive the benefit of the common property of the tribe, there being nothing for them to inherit from their deceased parent, the tribe being the universal heir of such member and the children being heirs of the tribe.

The Department by letter of May 8, 1894, concurred in the views of this office as above expressed, and decided that the children of Indian women the offspring of marriages entered into since the act of August 9, 1888, are not entitled to share in the property of the tribe, except as they may take the same by representation of their mother, and directed this office to give such instructions as might be proper under this construction of the law. Accordingly, the office advised Agent Penney of the ruling of the Department, and instructed him to be guided thereby in the future, and subsequently, June 20, 1894, the same instructions were given to each Indian agent and special allotting agent in the service.

DESTRUCTION OF GAME BY INDIANS.

During the early part of 1894, many complaints reached this office that Indians of the Shoshone Reservation, Wyo., were wantonly slaughtering elk and deer that had been driven down from the Rocky Mountains by the deep snows and severe weather. The agent of Shoshone Agency was at once instructed to report the facts to this office, and to take such action as would entirely stop any wanton killing of game by those Indians in the future. The agent replied that to his knowledge no elk or deer had been aimlessly slaughtered on the Shoshone Reservation by Indians belonging thereon; but that it was reported that roving parties of other Indians had killed game outside the reservation; also that the Indians reported that white men were continually going on hunting expeditions through the country adjacent to their reservation, and killing game merely for the pleasure of hunting. Reports from other Indian agents in that territory sustained this charge, the whites claiming they had as good right as the Indians to kill game; and the State officers in some instances stating that they did not feel justified in prosecuting white men for violating game laws, while the Indians were allowed to hunt.

Subsequently more complaints were received from Idaho, Wyoming, and Montana, that parties of Indians were continually leaving their reservations with passes from their agents to make social and friendly visits to other reservations; that en route they slaughtered game in large quantities merely for the sake of killing and for the hides, particularly in the country adjacent to the Yellowstone National Park and the Shoshone Reservation, Wyo., and that if such depredations were allowed to continue, it would probably result in a serious conflict between the white settlers and the Indians.

In view of the above complaints, the office addressed a letter to the Indian agents in Idaho, Montana, Wyoming, Utah, and the Dako-

tas, instructing them to call together in council the Indians of their respective agencies, and again put before them the instructions contained in office circular of November 1, 1889,* and to notify them that the restrictions as to hunting contained in that circular must be strictly complied with; also that should they obtain passes ostensibly for making friendly visits to other reservations and then engage in hunting while en route, their passes would be recalled by this office and they would not be allowed to leave their reservation again; and moreover, that they would be liable to arrest and punishment by State officers for violating the game laws of the State or Territory in which they might be found hunting.

The Indian agents were further instructed that hereafter no passes should be granted to Indians to leave the reservations for visiting or other purposes, except upon condition that they would not engage in hunting while absent; and that at the time of granting such passes the Indians should have carefully impressed upon them the consequences of violating their promise not to hunt. Also, that the Indian agents in charge of the reservations which the Indians intend visiting should be notified of the time of the departure of the Indians, their names, and the route they intend to travel. In conclusion, the office urged the hearty cooperation of each agent in the matter, in order that the evils complained of might be corrected and the threatened danger averted.

All the agents addressed have reported that they have complied with office instructions, and have taken extra precautions to prevent

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* The following is the circular referred to:

To U. S. INDIAN AGENTS:

Frequent complaints have been made to this Department that Indians are in the habit of leaving their reservations for the purpose of hunting; that they slaughter game in large quantities in violation of the laws of the State or Territory in which they reside, and that, in many instances, large numbers of wild animals are killed simply for their hides.

In some cases Indians, by treaty stipulations, have the guaranteed right to hunt, upon specified conditions, outside their existing reservations. The Secretary of the Interior has decided that the privilege of hunting under such treaty provisions is the right to merely kill such game as may be necessary to supply the needs of the Indians, and that the slaughter of wild animals in vast numbers for the hides only, and the abandonment of the carcasses without attempting to make use of them, is as much a violation of the treaty as an absolute prohibition on the part of the United States against the exercise of such privilege would be. This fact should be impressed upon the minds of the Indians who have such treaty rights, and they will be given to understand that the wanton destruction of game will not be permitted. And those not having the reserved treaty privilege of hunting outside of their existing reservation should be warned against leaving their reservation for hunting, as they are liable to arrest and prosecution for violation of the laws of the State or Territory in which offenses may be committed.

In view of the settlement of the country and the consequent disappearance of the game, the time has long since gone by when the Indians can live by the chase. They should abandon their idle and nomadic ways and endeavor to cultivate habits of industry and adopt civilized pursuits to secure means for self support.

the Indians under their charge from wantonly killing game on their reservations and from leaving their reservations for such a purpose.

INDIAN DEPREDATIONS.

Since my last annual report, this office has reported to the Court of Claims on 39 depredation claims. In 126 claims the papers on file in this office were transmitted to the court; 66 were reported as having been previously transmitted to Congress; 4 as having been returned to claimants and attorneys; 6 as having been sent to Indian agents; 9 as having been transmitted to the Second Auditor, and miscellaneous information given relative to 118.

The total number of claims of record in this office is 8,005. The number reported to the Court of Claims in previous years, 3,430, added to the number reported upon during the past year, 211, amounts to 3,641, which deducted from the total number of claims of record, leaves 4,364 yet on file. The responsibility for the proper care and custody of these papers, making transfers of claims to the court, and keeping a record of the same still devolves upon this office.

Seven claims have been filed in this office during the past year. But section 13 of the act of March 3, 1891, conferring upon the Court of Claims jurisdiction and authority to finally adjudicate and inquire into Indian depredation claims, provides that all investigations and examinations under provisions of acts of Congress in force at the time of the taking effect of said act shall cease; also that—

> All claims existing at the time of the taking effect of this act shall be presented to the court by petition, as hereinafter provided, within three years or shall be thereafter forever barred.

There is therefore no existing law under which these seven claims or any future depredation claims can be adjudicated.

The adjudication of claims under the present law is one of very grave concern, both to the Indians and to the United States. At the last session of Congress there was introduced Senate bill 897, "to amend an act entitled 'An act to provide for the adjudication and payment of claims arising from Indian depredations,' approved March 3, 1891." The amendment substantially provides for adjudicating two classes of claims *not* provided for in the act of March 3, 1891, viz.: First, all claims for property of any "inhabitant" of the United States. Second, claims for property taken or destroyed by Indians belonging to "any" band, tribe, or nation, etc., the words "in amity with the United States" being omitted.

An examination of the laws relating to Indian depredation claims, particularly with reference to the questions involved in said amendment, shows that it seems to have been the intention of Congress prior to March 3, 1885, to include claims not only of any citizen, but also of any "inhabitant" of the United States against "tribes in amity" with the United States. But the act of March 3, 1885 (23 Stats., 376), provides

for the investigation of claims of "citizens" against Indians "having treaty stipulations." By omitting the word "inhabitant" (contained in previous legislation) it virtually excluded the investigation of the claims of inhabitants not citizens. The act of March 3, 1891, confers upon the Court of Claims jurisdiction and authority to inquire into and finally adjudicate only claims of "citizens" and against "tribes in amity" with the United States, etc.

As to amity, it would seem to have been the practice of this Department, in investigating claims under the act of March 3, 1885, to consider "treaty stipulations" and "amity" as being synonymous terms; but in the case of Samuel Marks *et al. v.* The United States *et al.* the Court of Claims decided that amity is an essential requirement under the first clause of the act of March 3, 1891, and was of the opinion that treaty relations are not equivalent in law to amity. In this connection I quote the following language from a communication of the Attorney-General of November 2, 1893:

> The payment of damages accruing during a time of war has been contrary to the policy of all governments. It has been contrary to the policy of the Government of the United States and to the whole course of adjudication in the courts of the United States. The various acts of Congress providing indemnity for losses accruing from depredations of Indians provide that the tribe committing the depredation shall have been in amity with the United States. In 1885 the jurisdiction was vested in the Secretary of the Interior to investigate these claims for losses arising from Indian depredations; and it has been contended, and is now subject of contention in the courts, that the effect of that act was to change the policy of the Government in that behalf. In the case, however, of Samuel Marks *et al. v.* The United States *et al.* the Court of Claims decided that amity is still an essential requirement under the first clause of the act of March 3, 1891, which referred to the act of March 3, 1885; and that case settles the construction of these acts of Congress so far as the Court of Claims can do so.

In my report of December 5, 1893, upon Senate bill 897, I stated that I thought the Government had already gone far enough in providing for the adjudication of claims of citizens of the United States, and should not be called upon to open the doors to claims of persons not citizens, except, perhaps, just claims of the Indians themselves.

As a large number of Indian depredation claims were filed directly with the Court of Claims, said bill was also referred to the Department of Justice for the opinion of the Attorney-General as to its effect on claims now pending in the Court of Claims. In his reply of November 2, 1893, already referred to, the Attorney-General stated that up to date cases had been filed in the Court of Claims to the amount of $37.000,000,* and that the amendments suggested by the bill would take from the U. S. Treasury and the trust funds of the Indians from $20,000,000 to $25,000,000 in excess of the amount that would be likely to go to judgment under the law as it now stands.

The Government holds in trust, funds belonging to various tribes of

* I have been informally advised recently that the total number of cases filed in said court is now 10,841, and that the amount claimed therefor is $43,515,867.06.

Indians aggregating about $27,000,000. It will thus be seen that if judgments were rendered in favor of the claims allowed to be adjudicated under the amendments contained in Senate bill 897 such judgments alone would cover a sum equal to the entire amount of such trust funds. While funds to the credit of some tribes would not be affected, yet the funds of other tribes would be entirely extinguished, thereby inflicting upon the present generation of Indians, who are struggling to better their condition, punishment for crimes committed by their ancestors while in a state of savagery.

December 27, 1893, I submitted a report on H. R. bill No. 1954 "to repeal chapter 538 of volume 26 of United States Statutes at Large." Said chapter is the act of March 3, 1891, already referred to, which among other things transferred to the Court of Claims the duty of inquiring into and finally adjudicating Indian depredation claims. My report stated that I considered it wise that the final adjudication of these claims should continue in the Court of Claims, but that some other provisions of that act were open to serious objection.

I cited particularly the fact that that act does not afford the Indians the protection against the use of their annuity and trust funds which has been earnestly and persistently recommended by this office. Section 6 provides that judgments against the Indians shall be paid by deductions from annuities due the tribes, or if no annuities are due or available, then from any other funds due the tribes arising from the sale of their lands or otherwise, etc. The injustice to the Indians of this arbitrary use of their funds, and the importance of leaving to the Secretary of the Interior some discretion as to reserving from such payments funds needed by the Indians for their civilization, support, education, etc., were fully discussed in the reports of this office for 1891 and 1892.

The act of Congress approved July 28, 1892, providing for the payment of judgments of the Court of Claims in certain Indian depredation claims to the amount of $478,252.62, authorized their payment from the U. S. Treasury after the deductions from tribal funds required to be made by said section 6 should have been certified by the Secretary of the Interior with the proviso that—

> Such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected.

And with the further proviso that—

> The amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service.

Since July 28, 1892, judgments have been rendered in the Court of Claims amounting to over $550,000, and the deficiency act, approved August 23, 1894 (Public, No. 202), appropriated $175,000 for the payment of certain of these judgments in the manner provided in the act of July 28, 1892.

If this provision should be enacted in all future appropriations for the payment of judgments of the Court of Claims in Indian depredation claims, it would seem to meet the suggestions and recommendations heretofore made by this office. But it will be noticed that even this conferring of discretionary power looks to the ultimate payment of depredation claims from Indian funds, and I am ready to go farther and to say that the aforesaid act of March 3, 1891, so far as it relates to payment of claims, should either be repealed in toto or be amended so as to place upon the United States the sole responsibility and ultimate liability for the payment of judgments rendered on account of Indian depredations.

Admitting that it may have been entirely just and proper to have indemnified persons for losses at the time the depredations were committed, according. to the laws then in force, yet this was done in but few cases. Many of these claims originated at so remote a period that the present generation of Indians can not possibly have any knowledge of the depredations committed, and certainly should not be held personally responsible therefor.

If the Indians were cognizant of the effect of the law as it now stands I am satisfied that it would be almost useless for the Government to attempt to negotiate with them for the sale of any lands which they now hold, and it could hardly be called less than a breach of good faith for the United States to negotiate with Indians for the sale of their surplus lands, and afterwards, without their knowledge and consent, appropriate the purchase money for the payment of claims against their ancestors.

With possibly one or two exceptions the annuity and trust funds of all Indian tribes are required for their necessary support, education, and future protection, and the payment of these claims, however just they may be, would simply subject the Indians to conditions of such dependence as would in the end necessitate additional appropriations out of the U. S. Treasury for their support.

INTRUDERS IN THE INDIAN TERRITORY.

Cherokee Nation.—At the date of my report for 1893, Commissioner Joshua C. Hutchins, of Athens, Ga.; Peter H. Pernot, of Indianapolis, Ind., and Clem V. Rogers, of Oologah, Ind. T., had just commenced their work of appraising the improvements of intruders in the Cherokee Nation who had begun the occupancy of houses, lands, or improvements in that nation prior to August 11, 1886. The commissioners had been appointed by the President under section 10 of the act of March 3, 1893 (providing for the ratification of an agreement for the cession of the Cherokee Outlet to the Government), and were proceeding under instructions prepared in this office June 21, 1893, and approved by you July 7, 1893.

July 19, 1893, the commissioners, through their chairman, submitted a request for further instructions upon the question whether—

If the nation is to be given credit for the use of the lands are the intruders to be given credit for the cost of maintaining the improvements, such as replacing and improving old fences and buildings?

This request was submitted to the Department July 28, 1893, and August 17, 1893, the Department replied that the value of the use and occupancy of the land could not be satisfactorily determined without taking into consideration the cost of maintaining such improvements and making such repairs as might have been necessary to the continuance of that use and occupation; that while it might not be proper in every case to take into consideration the value of the use and occupancy of the land, that being a matter in which the appraisers should exercise a sound discretion, yet when it is taken into consideration, the cost of improvements and repairs should also be considered. Instructions prepared for the commissioners in accordance with the above decision were submitted by this office August 17, 1893, and subsequently received the approval of the Department.

The commissioners again asked for further instructions upon the question—

If an intruder occupying improvements made before August 11, 1886, made additional improvements, such as erecting new buildings, clearing and making new fields and fencing the same, must such additional improvements, made subsequently to August 11, 1886, be appraised with the old improvements?

This question was submitted to the Department with report of August 25, 1893, in which the office expressed the opinion that all improvements in the possession of intruders who had commenced occupancy prior to August 11, 1886, should be appraised, whether made before that date or subsequently.

September 25, 1893, I submitted to the Department the following questions upon which the appraisers had, September 15, 1893, asked for further instructions, viz: Whether they should appraise the improvements of intruders specified in classes as follows:

First. When two intruders who made their improvements before August 11, 1886, subsequently to that date exchanged them, each intruder now occupying the improvements which were commenced prior to August 11, 1886, by the other, but neither can swear that he began the occupancy of the improvements now claimed and occupied by him prior to that date.

Second. Wherein improvements made by an intruder before August 11, 1886, have been by him subsequently sold to another intruder.

Third. Wherein the intruder had made improvements prior to August 11, 1886, but subsequently to that date sold them, and with the proceeds of such sale purchased or made other improvements after that date.

Fourth. Where upon investigation it is ascertained that intruders who have been occupying improvements, which occupancy began prior to August 11, 1886, disclaimed any ownership in such improvements, and claimed that they actually belonged to Cherokee citizens.

Owing to the temporary suspension of the work of the commissioners (hereinafter referred to), these last three office reports received no

action until August 17, 1894, when the Department replied, approving the instructions submitted August 17, 1893, and concurring in the position taken in office letter of August 25, 1893, and deciding that no improvements should be appraised which should come under either of the four heads enumerated in office letter of September 25, 1893.

October 7, 1893, the commissioners stated that they were satisfied that the whole $5,000 appropriated by the act under which they were appointed for the payment of the expenses of removing intruders from the Cherokee Nation and the appraisal of improvements of those entitled under the act to receive compensation for the same, would not be sufficient to complete the work of appraisal alone; and, further, that another $5,000 would not be enough to defray the expenses of removing the 7,000 intruders in the Cherokee Nation, scattered over an area of nearly 8,000 square miles, unless the U. S. Army assisted in making the removals.

October 28, 1893, I requested the commissioners to furnish this office with an estimate of what additional sum would be required by them to complete the appraisement of improvements, and what sum would be necessary to effect the removal of intruders from the nation, in order that the Department might request Congress to provide an additional appropriation sufficient to cover the expense both of appraisal and removal.

Mr. Hutchins, chairman of the commission, replied that, in addition to the $5,000 already appropriated, the commission would require to complete the appraisal the sum of $4,996 (of which $300 would be needed for the expense of clerical assistance for the commissioners), and that $7,500 would be necessary to defray the expense of the removal of intruders from the Cherokee Nation, making in all $12,496 to complete the appraisal and effect the removal.

I recommended to the Department that Congress be requested to appropriate $12,496 for the above named purpose, the same to be immediately available. Subsequently (December 4, 1893) I transmitted a copy of a communication from Chairman Hutchins, of the board of appraisers, urging, for reasons therein stated, speedy action in the matter of providing the additional appropriation. The correspondence on this subject is printed in House Ex. Doc. No. 26, Fifty-third Congress, second session.

As the appropriation requested had not been made by Congress by December 22, 1893, a telegram of that date from the Department to Chairman Hutchins suspended further work by the appraisers and directed them to report their proceedings up to date.

By a clause in the Indian appropriation act, approved August 15, 1894, $4,996 was appropriated to complete the appraisal of improvements of intruders in the Cherokee Nation; but Congress made no provision for the payment of the expenses of the removal of the intruders from said nation, although in a report of March 17, 1894, on House

bill 6013, the office stated that the appropriation of money to complete the appraisal would result in no good unless an appropriation was also made for the payment of the expenses of the removal of intruders.

Choctaw Nation.—By article 14 of the treaty of June 22, 1855, (11 Stat., 611), between the United States and the Choctaw and Chickasaw nations of Indians, the Government agreed that it would protect the Choctaws and Chickasaws from domestic strife, from hostile invasion, and from aggressions from other Indians and white persons not subject to their jurisdiction and laws. May 11, 1894, D. M. Wisdom, the agent for the Five Civilized Tribes at Muscogee, Ind. T., telegraphed this office as follows:

In order to avoid bloodshed and protect miners who are at work, I ask that a company of soldiers be ordered to Alderson, Ind. T., to keep the peace. There are 2,000 miners who have struck, and they are exceedingly boisterous and threatening. My police force, supported by a squad of marshals, is inadequate to meet the crisis. I regard the presence of the military as absolutely essential. Prompt action alone will prevent serious trouble. Answer.

In order that bloodshed might be averted and peace maintained the office quoted this telegram to the Department and recommended that the Secretary of War be requested to order a company of troops to be sent to Alderson, in the Choctaw Nation, to assist Agent Wisdom to preserve the peace, as requested by him. This action was taken under the provisions of the treaty of 1855, above cited. However, subsequent telegrams of May 12 and 13, 1894, from the agent, indicated that troops were wanted mainly to protect the property of mining companies in the Choctaw Nation, which were under the control of the U. S. courts, and he was therefore telegraphed, May 14, by this office, as follows:

Telegrams 12 and 13 received. Choctaw Coal and Railway Company is in hands of receiver under control of U. S. courts. Railway and mining owners should apply to the court for relief and protection.

Agent Wisdom's telegrams and office reply thereto, and also a telegram from Francis I. Gowen, receiver of the Choctaw Coal and Railway Company, earnestly urging compliance with the agent's request for troops, were all quoted in a report made by this office to the Department, May 14. Numerous other telegrams were received from Agent Wisdom and others asking for troops for the protection of property of mining operators in the Indian Territory; but the decision contained in the telegram of May 14, 1894, was adhered to.

May 15, however, a report dated May 12, 1894, was received from Agent Wisdom, transmitting a communication from W. N. Jones, principal chief, or governor, of the Choctaw Nation, which inclosed a list of the names of 200 persons who were declared by him to be intruders in the Choctaw Nation, and whose removal therefrom as such he requested the agent to make. The agent earnestly requested a detail of troops to assist him in making the removal of intruders, as requested by the Choctaw governor. May 19, 1894, Agent Wisdom's report and

the accompanying papers were transmitted to the Department with the recommendation that the Secretary of War be requested to order the detail of a sufficient force of United States troops to effect the removal of the 200 intruders referred to, and any others who might be complained against by the governor of the Choctaw Nation and the U. S. Indian agent. This request was made of the Secretary of War by Department communication of the same date, and in pursuance thereof troops were sent to the Choctaw Nation and removals of intruders were made.

No specific directions were given by this office or by the Department for the agent to remove these intruders from the Choctaw Nation, nor in view of the provisions of treaties and statutes was any such authority necessary, as will appear from the following quotations:

Article 7 of the treaty of June 22, 1855 (*ante*), between the United States and the Choctaw and Chickasaw nations of Indians provides as follows:

So far as may be compatible with the Constitution of the United States and the laws made in pursuance thereof regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws shall be secure in the unrestricted right of self-government, and full jurisdiction over persons and property, within their respective limits; excepting, however, all persons with their property who are not by birth, adoption, or otherwise citizens or members of either the Choctaw or Chickasaw tribe, and all persons not being citizens or members of either tribe found within their limits shall be considered intruders and be removed from and kept out of the same by the United States agent, assisted if necessary by the military, with the following exceptions, viz: Such individuals as are now or may be in the employment of the Government and their families, those peacefully traveling or temporarily sojourning in the country or trading therein under license from the proper authority of the United States, and such as may be permitted by the Choctaws or Chickasaws with the assent of the United States agent to reside within their limits without becoming citizens or members of either of said tribes.

By article 43 of the treaty of 1866 (15 Stat., 779) between the United States and the said Choctaw and Chickasaw nations of Indians it is provided as follows:

The United States promise and agree that no white person except officers, agents, and employés of the Government, and of any internal improvement company, or persons traveling through, or temporarily sojourning in, the said nations, or either of them, shall be permitted to go into said Territory, unless formally incorporated and naturalized by the joint action of the authorities of both nations into one of said nations of Choctaws and Chickasaws, according to their laws, customs, or usages; but this article is not to be construed to affect parties heretofore adopted or to prevent the employment temporarily of white persons who are teachers, mechanics, or skilled in agriculture, or to prevent the legislative authorities of the respective nations from authorizing such works of internal improvement as they may deem essential to the welfare and prosperity of the community, or be taken to interfere with or invalidate any action which has heretofore been had in this connection by either of said nations.

Section 2147 of the Revised Statutes of the United States provides that the—

Superintendents of Indian Affairs and the Indian agents and subagents shall have

authority to remove from the Indian country all persons found there contrary to law; and the President is authorized to direct the military force to be employed in such removal.

It will thus be observed that Agent Wisdom had ample authority, both under treaty and statute, to remove persons in the Choctaw Nation who were there contrary to law, without specific authority from the Secretary of the Interior, and it became his duty, as the agent for the Choctaw Nation, to make such removals as were necessary for the protection of the nation.

All this occurred during the American Railway Union strike, but the fact that these intruders were miners out of employment on account of the strike was a matter with which this office had no concern. The miners themselves and some of their sympathizers have claimed that their strike was on account of the radical reduction of wages proposed by the operators of the mines, while it was the opinion of Capt. Mitchler, of the Fifth Cavalry, who was on the ground, that the strike was sympathetic. But in either case it had no relation whatever to the enforced removal of intruders from the nation. The parties were removed because they were intruders, and not because they were strikers.

I am satisfied, from the reports of the agent, that no one was removed from the Choctaw Nation until the charge of intrusion made against him had been carefully and fairly investigated by the agent. Some 75 intruders were removed from the mining communities of Alderson and Hartshorne on June 14, 1894, and later 43 were removed from Krebs. The manner of accomplishing these removals was left by the agent entirely to the discretion of the Army officers, there being detailed but one Indian policeman at each point to represent the agency and to identify those found by the agent to be intruders.

After the removal of the parties at Alderson and Hartshorne, the governor of the Choctaw Nation advised Agent Wisdom that all miners who were likely to comply with the Choctaw laws or who had complied with the same, and had a certificate or permit from a county judge were thereby exempt as intruders. The agent construed this letter to be a request for the suspension of the removal of intruders in the Choctaw Nation, and June 27, 1894, he submitted to this office a copy of the governor's request with the statement that, as he had no personal feeling to gratify, if the Choctaw Nation was satisfied that its rights had been vindicated and was not apprehensive of further demonstrations against law and order by the turbulent element of miners, it seemed to him that further steps by his agency were forestalled, if not unnecessary, and that he would await instructions from this office. July 2, 1894, this communication was submitted to the Department, with the statement that this office agreed with the agent in his construction of the governor's letter, and if the Department was of the same opinion it was recommended that the agent be instructed to discontinue the

removal of intruders, and to report to this office at once whether there existed any further need for troops in the Choctaw Nation.

July 7, 1894, the Department replied that it was unfortunate that Governor Jones's letter should be so indefinite as to need construction, and that possibly it was intended merely to give the agent somewhat more definite information as to the wishes of the nation in the matter. Directions were therefore given that the agent be instructed to secure a statement in writing of the desires of the Choctaw authorities and, if they should prove to be in accordance with the office construction of Chief Jones's letter, that the work of removal be stopped and Agent Wisdom be required to report as to the necessity of longer retaining the troops.

July 10, 1894, Agent Wisdom telegraphed that he had held a conference at South McAlester, in the Choctaw Nation, with the governor of that nation, and had met Judge Stuart, Marshal McAlester, and other prominent men; that the soldiers having been withdrawn from Krebs a serious outbreak of miners had taken place there. Armed with knives, clubs, and pistols about 600 miners, preceded by about 50 women, had driven small parties of working miners from "strip pits," assaulted the bookkeeper of the Osage Coal and Mining Company, menaced the miners at Alderson, and, without attacking the works there, had scared the men into quitting work; that the situation at Alderson was critical; and that Governor Jones had renewed his request for the removal of the intruding strikers, and that there would seem to be no other alternative. This telegram was immediately submitted to the Department.

On the same date Agent Wisdom mailed a more detailed account of the trouble at Krebs, and quoted a letter from Governor Jones asking him to continue the removal of intruders. July 13, 1894, this last report of Agent Wisdom was submitted to the Department, with request for instructions as to whether the agent should be directed to continue the removal of intruders in the Choctaw Nation, in view of the fact that Governor Jones had withdrawn his letter, which had been construed as a request for the discontinuance of such removal, and also in view of the reports that the intruders were disposed to disregard the rights of persons and property in the nation, and awaited only the withdrawal of troops to engage in riots.

To this the Department replied, August 8, 1894, that no general order for removals would be issued, but that a full report from the agent would be required in each case, and that such order would then be made as the facts would seem to justify; and that the agent should be directed to report explicitly and in detail the causes for removals which had already been made and the manner in which they had been effected, and also the existing condition of affairs in the Choctaw Nation. Pursuant to these instructions, I telegraphed Agent Wisdom, August 16, 1894, to transmit at the earliest practicable date a list of intruders

removed from Krebs and a report as to the condition of affairs in the Nation. He had already, August 4, 1894, given a list of intruders removed from Alderson and Hartshorne, and stated in each case the reasons for the removal. These reasons were either that the person charged with intrusion had no permit, or that having been served with notice of the charge of being an intruder had not appeared at the investigation of the question. This report was forwarded to the Department August 17, 1894, and as the agent had stated that the removals were left by him to be effected by the military officers according to their discretion, reports of officers of the Army which had been referred from the War Department were also forwarded, although such reports gave no detailed statement as to the manner adopted by these military officers to effect the removals.

August 18, 1894, Agent Wisdom reported that the Indian policeman, J. W. Ellis, who had represented the agency in the removals from Krebs, had been for some weeks employed in guarding the Missouri, Kansas and Texas Railroad Company's trains against contemplated attacks by the Cook and Dalton gangs of outlaws, and that he (the agent) had not been able to secure from him a certified list of such removed intruders, but had directed him to furnish the list immediately; also that Capt. Ellis, who was in command of United States troops, had given the number of intruders removed as forty-three. This list was forwarded by the agent August 20 and transmitted to the Department August 27, 1894.

Charges have reached this office from parties at Lehigh, in the Choctaw Nation, that Agent Wisdom was unfair in his investigation of some of the charges of intrusion and that unnecessary harshness was used in effecting removals from the nation. I am satisfied, however, from reports of military officers and of the agent and from other papers received, that the investigation into the charges was made by the agent with entire fairness of purpose, and that there was no more harshness used in effecting removals than was necessary under the circumstances; in fact, that there was as little friction and hardship as could reasonably be expected in the removal of so large a number of people from any territory.

As to the present condition of affairs in the Choctaw Nation, the agent's report of August 18, forwarded to the Department August 23, 1894, states that since the close of the strike the miners have all resumed work; that the mines are all in operation and running smoothly, and that the average amount per diem paid to the miners at Hartshorne and Alderson is $3.10 per day. From Hartshorne 23 intruders were removed, and protests were made by licensed traders and boomer newspapers, claiming that the town was ruined forever and its trade destroyed. But from a newspaper published at South McAlester, which is in the center of the mining community, it appears there exists at Hartshorne a very prosperous condition of affairs. Newspapers

published at other points in the Choctaw Nation report a like condition since the revival of work in the mines, and this revival the agent attributes to the position taken by the agency as to the removal of intruders and by the Government in sending troops to assist him in these removals.

CHELAN INDIANS IN WASHINGTON.

April 11 and 20, 1894, the Department set aside and allotted certain lands in the State of Washington to certain Chelan Indians under the (so-called) Moses agreement, concluded July 7, 1883, and ratified and confirmed by act of Congress approved July 4, 1884 (23 Stats., pp. 79 and 80).

These allotments were made in the face of vigorous and determined opposition upon the part of certain whites. The Indians and their ancestors had dwelt around Lake Chelan from time immemorial, and these allottees claimed certain tracts of land, part of which they had cultivated for years, in their rude way, raising vegetables, oats, etc. Notwithstanding these facts eight white men took possession of the gardens of these Indians and drove them from their lands and made homestead entry thereof. In order to save their homes the Indians filed for their lands under the Moses agreement aforesaid, and upon refusal of their applications initiated contests against the homestead entries made by the whites. The whites resisted the claims of the Indians with stubborn energy; but the Indians were clearly entitled to the lands involved, and the allotments were therefore made to them.

CROW CREEK AND WINNEBAGO RESERVATION, SETTLERS' CLAIMS.

Provision is made in the Indian appropriation act for the current fiscal year to pay the claims of those who attempted to make settlement in the spring of 1885 on the Crow Creek and Winnebago reservations in the then Territory of Dakota. A portion of said reservations was thrown open by executive order on February 27, 1885, and fifty days later, on the 17th day of April, said lands were withdrawn from settlement by the President's proclamation, and all persons who had located thereon were notified to remove therefrom with their effects within sixty days.

The act of October 1, 1890 (26 Stats., 659) provided for the ascertainment of losses sustained by such settlers by authorizing the Secretary of the Interior to appoint a special agent to investigate the same and report them to the Secretary, who was to transmit them to Congress, with his recommendations thereon. H. R. Pease was accordingly appointed as such special agent, and entered upon his duties about December 2, 1890. December 15, 1892, he submitted his final report, together with the papers, proofs, affidavits, and reports pertaining to the several claims, and to the subject generally.

He investigated and submitted the claims of 944 settlers, the aggregate of whose losses was alleged by the claimants to have been $312,155.18. The aggregate amount to which the agent found them entitled was $177,886.63. This office, after a thorough and careful examination of every claim, found the aggregate total of losses to be $116,199.19. The main item of deduction from the agent's findings was the one for loss of time alleged by the settlers and allowed by the agent, amounting to $59,688.62. The Department sustained this office in recommending the disallowance of that item.

The act appropriates the sum of $116,119.19 for the payment of so much of the 944 claims as has been found to be just and proper. Final action on about 15 claims has not yet been taken, and for the payment of same, if found to be proper, the additional sum of $3,000, or so much thereof as may be necessary, is appropriated.

THE DIGGER INDIANS IN CALIFORNIA.

All public lands in central California suitable for homes, either for whites or Indians, have been disposed of. The greed of the white man led him to make entry of and obtain title to lands used as the homes of Indians, and they were then directed to "move on" and settle elsewhere. It is a fact that in recent years the same band of Indians have been forced by whites to abandon their homes as many as three or four times—to their utter impoverishment and wretchedness.

This condition of things among the Digger Indians in central California led Congress, by act of March 3, 1893 (27 Stats., 612), to appropriate $10,000 for the purchase of lands, subsistence and other necessaries for them, for the establishment and maintenance of a primary day school for their benefit, and for their civilization generally.

George B. Cosby, of Sacramento, Cal., has been appointed a special agent to examine into the condition of these Indians, and to report as to the best manner of assisting them. He is to inspect tracts of land which will furnish them a suitable home, submit a description thereof, terms of purchase, water facilities, etc., and report upon the number of Indians to be provided for, the amount of land which they will need, the sort of houses which should be built for them, the quantity and cost of subsistence needed, and any other facts which will help to an intelligent understanding of the situation and enable the Department to carry out the provisions made for the Indians by Congress. He has made two reports and recommended the purchase of a certain tract of land near the town of Jackson in central California; but further information in regard to it being needed, he has been called upon for a more specific and detailed report. Upon receipt of the information sought, prompt action will be taken.

The Indian appropriation act for the fiscal year ending June 30, 1895, appropriates $10,000 more for these Indians, to be expended in a similar manner. With the funds available, it is hoped that a suitable permanent home may be secured for many of them.

EASTERN CHEROKEES IN NORTH CAROLINA.

Some years ago the Attorney-General instituted a suit in the United States circuit court for the western district of North Carolina to establish a clear title to lands in that State claimed by the Eastern Cherokees, being the 33,000 acres of land known as the speculation lands of James Love. They are adjacent to the land occupied by the Indians, and are included within the boundaries of the land set forth in a deed executed by William Johnston and wife to the Eastern Band of Cherokee Indians on the 9th day of October, 1876, which deed was intended to give effect to the award of arbitrators appointed to settle the controversy between the Eastern Band of Cherokee Indians and William H. Thomas *et al.*, and to a decree made in pursuance of said award.

Since my last report the defendants have proposed to compromise the litigation upon terms satisfactory to the district attorney and deemed fair and just by the district judge, R. P. Dick, and the master in chancery, R. M. Douglass, to whom the same had been referred, and who had given much time and attention to an examination of the questions involved. In view of the uncertainty of the result of this litigation and of the recommendations as to a compromise made by the above-named officials, and in order to secure to the Indians what was conceived to be a long-deferred right, the Attorney-General recommended that Congress confirm said agreement and make such appropriations as might be necessary to carry the same into effect. The terms of this agreement, dated January 18, 1894, are that the United States shall pay the defendants the price of $1.25 per acre for the said 33,000 acres of land.

On the same date the Eastern Band of Cherokees also made a compromise and agreement with certain defendants in another suit to the effect that, upon the payment to each of the defendants and to the guardians of minor defendants of the respective sums of money named in said agreement, aggregating $24,552, all the defendants would quit possession of the several tracts of land then occupied by themselves or tenants inside of the "Qualla Boundary" of land, and would execute to the Eastern Band of Cherokee Indians a quit-claim deed to any and all lands claimed by them, respectively, inside of the said "Qualla Boundary" (as per survey of M. S. Temple, deputy U. S. surveyor, and a deed executed in accordance with said survey by William Johnston and wife, Lucinda M. Johnston, to the Eastern Band of Cherokee Indians, on the 9th day of October, 1876), in which deed the said defendants would execute a warranty to the title of the lands as against themselves and their heirs, and all persons claiming by, through, or under them. This agreement contained a further stipulation that a decree should be entered in said suits diverting all the right, title and interest of the said defendants therein named in and to the said "Qualla Boundary" of land, and that a writ of possession should

issue from the U. S. circuit court at Asheville, N. C., on the 1st day of December, 1894, removing the defendants from the possession of the said "Qualla Boundary" of land, or such of them as had not vacated the same at an earlier date. It was further agreed that no money should be paid to the defendants therein named, or their representatives, until any and all incumbrances on the respective tracts of land, such as judgment liens, mortgages, deeds in trust, purchase money, notes, etc., should have been paid off and fully discharged and canceled on the proper records; and until all unregistered bonds for title and other contracts to convey any of the said tracts of land should have been surrendered and canceled.

This agreement having also received the approval of Judge Dick and Mr. Douglass, the Attorney-General recommended that Congress confirm it and make the necessary appropriations to carry it into effect.

In his report to Congress, February 24, 1894, submitting these two agreements of compromise in said suit, the Attorney-General stated that the amount required to carry them into execution, including incidental expenses, would not exceed $68,000. In the deficiency appropriation act approved August 23, 1894 (Public, No. 202, p. 20), Congress made the following appropriation:

EASTERN BAND OF CHEROKEE INDIANS: For this amount, or so much thereof as may be necessary, to be expended under the direction of the Attorney General for the purpose of carrying into effect the two agreements of compromise in the two suits, respectively, of the Eastern Band of Cherokee Indians *versus* William H. Thomas and others, and of the United States *versus* William H. Thomas and others, both now pending in the United States circuit court for the western district of North Carolina, set forth in detail on pages seven, eight, and nine of House Executive Document Numbered One hundred and twenty-eight, Fifty-third Congress, second session, which agreements are hereby confirmed, made by A. C. Avery, attorney for R. D. Gilmer, trustee and administrator of J. R. Love, and for the cestui que trust for which he holds, and as attorney for the heirs at law of W. H. Thomas, deceased, and George H. Smathers, special assistant United States attorney, attorney for complainants, indorsed and approved January twentieth, eighteen hundred and ninety-four, by R. B. Glenn, United States attorney, western district North Carolina, in the one suit, and George H. Smathers, special assistant United States attorney, counsel for complainants, and W. B. Ferguson and G. S. Ferguson, attorneys for defendants, in the other suit, to settle and quiet title to lands in Qualla Boundary, claimed by said Indians and more fully set forth in said agreements of compromise; to perfect the title to other lands elsewhere in North Carolina to said Indians; to pay attorneys' fees and expenses in securing said compromise and carrying the same into effect; to pay the expenses of survey, preparing and executing deeds and recording the same, and any other expenses incident to carrying said agreements into effect, sixty-eight thousand dollars.

I concur in the opinion of the Attorney-General that these agreements of compromise will, when carried into execution, secure the Indians a perfect title to the land inside of the Qualla Boundary and leave unsettled only a comparatively unimportant controversy respecting certain tracts of land outside the boundary, which are now in the way of immediate settlement.

CROW FLIES HIGH AND HIS BAND OF GROS VENTRES.

Some years ago Crow Flies High and his band of Gros Ventre Indians, numbering about 135, left the Fort Berthold Reservation, N. Dak., and remaining away beyond the control of the agent, they were joined from time to time by other desertions from the reservation, until their number aggregated 200. Their absence from the reservation, freedom from restraint, and general lawless conduct furnished a bad lesson for the Indians living on the reservation, whom the Government is endeavoring to start in self-support and civilization.

It was therefore deemed best to return these Indians to their reservation and cause them to conform to the restraints necessary for their welfare and improvement, and as this would require a display of force the War Department was requested last January to instruct the commanding officer at Fort Buford, N. Dak., to proceed, upon call of the acting Indian agent of the Fort Berthold Agency, to take Crow Flies High and his band and return them to their reservation. Early spring was the time designated, so that the band might be captured before breaking winter camp and be settled upon the reservation in time for spring planting.

The command left Fort Buford March 17, 1894, captured Crow Flies High and his confederates, Long Bear and Blackhawk, with their followers, and on April 2 turned them over to the Fort Berthold Indian agent. Capt. H. S. Foster, Twentieth Infantry, in command of the expedition, displayed great skill and ability in the execution of his orders and unusual wisdom and tact in taking and managing the Indians.

The expedition at that season of the year proved to be one of extreme difficulty and hardship. On the second day after leaving the post a furious blizzard (the most severe of the winter) set in and raged for forty-eight hours, filling coulees, blockading all traffic by rail, and forcing the command into camp for four days. On the morning of the seventh day the march was resumed, only to be "struck" by another fierce blizzard. Snow blindness developed with Capt. Foster, and several members of the detachment and some Indians who had been picked up had milder attacks of the same sort. Previous rains had washed away bridges on their line of march and immense ice gorges had filled the streams to overflowing. Property was crossed in boats constructed with wagon bodies and wagon sheets; animals were made to swim the streams; empty wagons were hauled through with ropes and chains, and there were several narrow escapes from drowning. Nearly every rod of ground passed over had to be carefully reconnoitered to avoid mud, water, snow, crust, and coulees, and wide detours were frequent. In the face of these obstacles and difficulties the command traveled 300 miles in twenty-four days, at great personal

risk, and captured a lawless band of Indians well supplied with arms and ammunition and turned them over, as stated, to the Fort Berthold Indian agent.

The agent has had authority to so scatter these Indians over the reservation as to end the influence over them of Crow Flies High. No information has been received of any dissatisfaction or trouble among them since their return, and it is thought that they will take their allotments and make at least a start toward civilization and self-support.

ISABELLA RESERVATION, WIS.

Nothing of special interest has occurred on the reservation during the past year except the annulment of sales for taxes of the "not so competent" tracts and action looking to the refunding of moneys paid for taxes on such tracts. The State of Michigan has been taxing these lands for several years past and several sales have been made on account of nonpayment. The decision of the supreme court of the State having been to the effect that the said lands were not taxable renders necessary the annulment of such sales and the refunding of all moneys paid for taxes. At the request of the auditor-general of the State of Michigan a list of the "not so competent" tracts was furnished him August 15, 1894, for the purpose of refunding.

SALE OF TIMBER ON JICARILLA RESERVATION, ARIZ.

The Indian appropriation act for the fiscal year ending June 30, 1895, contains, under the head of "Miscellaneous supports," the following provision relative to the sale of timber on the Jicarilla Apache Indian Reservation:

> The Secretary of the Interior is hereby authorized, under such rules and regulations as he may deem proper and necessary to protect the interests of the Indians and of the United States, to sell or otherwise dispose of a quantity of timber, not exceeding twenty thousand dollars in value, on the Jicarilla Apache Indian Reservation, the proceeds to be used by him in the purchase of sheep and goats for the benefit of the Indians belonging thereto, as will best tend to promote their welfare and advance them in civilization.

This provision of law is in pursuance of a plan formulated by this office and the Department for the relief of these Indians. They are very poor, and are almost entirely dependent on the Government for subsistence and support. Their reservation is, for the most part, barren and poorly adapted to agricultural purposes, and, owing to the great altitude of the country, averaging about 7,000 feet, the seasons are too short and cool to enable crops to mature with any degree of certainty. According to the last three or four annual reports of the agents in charge of these Indians, the crops yielded so poorly as to be altogether discouraging to the Indians.

To this fact, no doubt, as much as to their inclination, is due the restless and roving disposition of many of the Jicarilla Apaches,

which has been a constant cause of complaint by white settlers. For a year or more prior to September, 1893, a band of some 200 or more, under Chief Santiago Largo, had its headquarters in Mora County, N. Mex., several hundred miles from the reservation. The depredations of this band were complained against by the whites in Mora, Taos, and Colfax counties. However, on the 6th of November last, all these Indians had returned to their reservation.

It is believed that if these Indians were inducted into the pursuit of sheep raising the problem of keeping them upon their reserve would, at least to a large extent, be solved, and that in time they would become largely, if not entirely, self-supporting. The opinion of those personally familiar with the conditions is that sheep raising on the reserve of these Indians would prove successful and profitable, and this office has received numerous and repeated communications in confirmation of this belief. The success of the Navajoes, but a short distance southwest of the Jicarillas, in the pursuit of sheep raising is pointed to.

The provisions of the act above mentioned have been brought to the attention of the Secretary, and suitable rules and regulations to govern the proposed sale of timber have been prepared. Prompt steps will be taken to carry out the provisions authorizing the sale of timber in order that the Department may realize thereon at an early day and assist the Indians in the manner contemplated. Though the amount ($20,000) is much smaller than might be desired for the purpose, it will at least enable the first step to be taken, which, it is believed, will be one in the right direction, at once affording relief to the Indians and at the same time solving the problem of keeping them on their reserve.

KOOTENAI INDIANS, NEAR BONNERS FERRY, IDAHO.

Reference was made in my annual report of last year to the troubles of the Kootenai Indians, located near and upon lands embraced in the town of Bonners Ferry, Idaho, and to the fact that a special agent of this office had been sent there to make a full and complete investigation of the whole matter and submit report thereon. Some of these Indians had been assisted in making application for allotments by the U. S. Indian agent of the Flathead Agency, Mont., under instructions from this office dated August 28, 1889. Their claims had been trespassed upon by whites, and the Indians deterred from attempting to improve and cultivate some of the land they had always used and occupied, and to which they were justly entitled under the general allotment act as amended.

The rights of these Indians having been reported by the special agent as paramount to those of the whites, this office requested the General Land Office to facilitate the survey of the township in which the lands involved were situated, in order that the allotments might be adjusted so as to be made to conform to the public survey. The request

was granted, and the allotments were so adjusted by the special agent of this office. Under your instructions patents were issued for the lands allotted to these Indians, and, on August 14, 1894, were transmitted to the Cœur d'Aléne local land officers, Idaho, for delivery to the allottees legally entitled thereto. Through the guardians of Arthur Frye and by authority of the Department, the application for that child, covering the lands upon which the town of Bonners Ferry is located, was relinquished. This action ended a long and bitter contest.

The nonreservation Kootenais, numbering some 225, who a few years ago were in a distressed condition and gave alarm to the inhabitants of northern Idaho, have been disposed of by making allotments to those above referred to, by removing some of them to the Flathead Reservation, Mont., and by inducing the remainder who claimed to be Canadian Indians, to move across the international boundary line into Canada. Thus the Kootenai question and troubles seem to have been finally and permanently settled.

NEW YORK INDIANS.

An item of interest respecting these Indians is the provision made by a clause in the Indian appropriation act for this fiscal year for the making of a thorough investigation, by the Secretary of the Interior of the facts touching the claim of the Ogden Land Company, the condition of the Indians, their progress in civilization and fitness for citizenship, and the propriety of allotting their lands in severalty; report thereon to be made to Congress, with such suggestions and recommendations as may be deemed proper.

Though this clause makes provision simply for the "investigation" of the matters specified, it is a much needed step in the direction of settling the difficulties respecting these Indians. The existence of the so-called preemption claim of the Ogden Land Company has given rise to many complications and embarrassing questions in connection with the management of the New York Indians, and has seriously retarded their advancement. In addition to this, their status with respect to the jurisdiction of the State and of the United States is the cause of difficulties which it is hoped the initial action thus provided for will be the means of finally removing.

The claim of these Indians against the United States, growing out of the sale of their Kansas lands, is still pending in the Court of Claims.

ERRONEOUS SURVEYS, PONCA RESERVATION, NEBR.

For years complaints have reached this office concerning careless and erroneous surveys along the Niobrara River, embracing certain lands within the Ponca Reservation, Nebr. As a consequence of such surveys made thirty years or more ago, the Indians are unable to ascertain the boundaries of their respective allotments, and disa-

greements with each other, and especially with their white neighbors whose lands border upon their allotments, are frequent. This office furnished the General Land Office all the information in its possession pertaining to this matter and requested that if practicable a resurvey of the lands involved be contracted for. Recently that request was renewed and further information submitted respecting the old surveys.

August 8, 1894, I was advised by that office that the facts disclosed in the several petitions and in the report of the U. S. deputy inspector on the matter do not constitute sufficient cause for the annulment of the survey made in 1893 and the making of a new survey; and further, that it is believed that the survey which the Indians and white settlers petition for as a means to prevent endless trouble and litigation would fail to have that beneficial result and would cause greater difficulties than are now present or impending. It was stated that the correction of old and erroneous surveys by an official survey has seldom been found an effective and satisfactory adjustment of inequitable divisions of public lands and of consequent troubles among settlers, and that it has long been the practice of the Land Office to refuse action of the kind asked for except upon written petition signed by every resident landowner or claimant within the area of land in question, accompanied by a written agreement signed by all such parties that they will accept and abide by the lines, corners, and areas resulting from the official resurvey requested. Attention was also called to the fact that even if such petition and agreement should be obtained by unanimous consent of all resident owners a further difficulty would have to be met in the adjustment of their land titles, because the original patent dependent upon the original or superseded plat would be invalid as to lands with new lines and new areas; and as the Land Office has no power to compel settlers to return their patents in order that they may be exchanged for new patents based on the plats of resurvey, many of them would not be returned to that office for that purpose. In fact the experience has been that settlers feeling aggrieved by the new survey have even refused to make an exchange of patents, notwithstanding the agreement they had signed. Moreover, in the event of a new survey, all new patents would have to be placed on the county records.

As the lands referred to were generally settled and patented many years ago, the General Land Office reached the conclusion that the proposed readjustment of lines is not only unwarranted by the facts, but also inexpedient and impracticable, and suggested that the difficulties resulting from erroneous and careless surveys and from destruction of original corners should rest with the local authorities for adjustment. The Indians have been advised of this decision of the General Land Office and instructed to endeavor to settle their difficulties among themselves or before the local authorities in the best and least expensive manner possible.

SOUTHERN UTES, COLORADO.

The general situation of these Indians is anything but encouraging. In my last annual report I mentioned the unfavorable effect upon the Indians of the failure of Congress to take definite action upon the agreement concluded with them November 13, 1888. Such action is still wanting and bills introduced into Congress at its last session have tended to further embarrass matters. Senate bill No. 1532 for the ratification of the agreement was reported upon to the Department on March 14 last. As the bill differed materially from the draft originally submitted for ratifying the agreement, certain amendments were recommended. The bill, however, failed to become a law. A subsequent bill (H. R. 6792) provided for the disapproval of the agreement, for allotments in severalty on a portion of the present reserve and for the sale of the remainder. This, too, failed to become a law, and the uncertainty as to the future home of the Indians is not only seriously retarding their advancement by keeping them in a state of anxiety and disquietude, but has delayed action with respect to the definite ascertainment of the boundaries of their present reserve and the settlement of difficulties arising from the presence of supposed trespassers. It is earnestly hoped that prompt and final action will be had upon this matter at the next session of Congress.

UPPER AND MIDDLE BANDS OF SPOKANE INDIANS.

The business of removing the Upper and Middle bands of Spokane Indians to the Cœur d'Aléne Reservation, in Idaho, the Colville Reservation, in Washington, and the Flathead Reservation, in Montana, has been under temporary suspension for certain reasons stated in my last annual report.

March 10, 1894, George H. Newman, of Tennessee, was appointed, as the successor of Montgomery Hardman, to complete the work of removing these Indians to the reservations where they elect and are entitled to go. He was instructed as to this unfinished business April 24, 1894, and is now engaged in the prosecution of the work.

Prior to the ratification of the agreement with these Indians (act of July 13, 1892, 27 Stats., 120) many of them had gone to the Spokane Reservation, Wash., regarding that reservation as forming a part of the Colville Reservation, and believing that by so doing they were acting in conformity with the provisions of the agreement and would be entitled to all its benefits. In this belief they were in error; but Congress, by act of August 15, 1894, provided "that any moneys heretofore or hereafter appropriated for the removal of said Spokane Indians to the Cœur d'Aléne Reservation shall be extended to or expended for such members of the tribe who have removed or shall remove to" the Spokane, as well as the Colville or Jocko (Flathead) reservations.

With this new legislation in force, and from information received respecting these Indians, I am led to believe that their proposed removal under existing law will be successfully accomplished by Agent Newman. In fact, many have already gone to the reservations named. Some have delayed, awaiting the new legislation mentioned, and others to defend their rights to certain lands upon which they have settled and made their homes, being guaranteed title to such lands by the agreement aforesaid. The Department of Justice, upon request from this office through the Department, has instructed the proper U. S. district attorney to defend the actions instituted against these Indians for their homes, and Agent Newman has been instructed to furnish the attorney the information in his possession and to aid him in the matter. I look for a completion of this work within a reasonable time.

STOCKBRIDGE AND MUNSEE ENROLLMENT.

The enrollment of the Stockbridge and Munsee Indians, as provided for in the act of March 3, 1893 (27 Stats., 744), has been completed by Mr. C. C. Painter, who was designated by the Department for such duty. His final report was submitted January 29, 1894. He found 481 persons entitled to enrollment, and submitted for the decision of this office a number of other cases that had been contested. Five of these were cases of women who had been adopted into the tribe, but who, Mr. Painter thought, were not entitled to enrollment on account of the fact that at the time of the adoption the tribe was composed only of what was known as the Indian party.

Careful examination was given to the question as to the parties whose enrollment had been objected to by the Indians and by Mr. Painter, and in the report of May 28, 1894, from this office, the rights of the parties were set forth and a revised roll submitted for the approval of the Department. This roll contained 17 names more than were admitted to enrollment by Mr. Painter, making 498 in all. The enrollment as revised was approved by the Secretary of the Interior June 12, 1894. Subsequently, on recommendation of the Indians, the agent, and Mr. Painter, the Department authorized the enrollment of 5 other persons, whose names had been left off by Mr. Painter through inadvertence.

The membership of the tribe, therefore, is now fixed as 503 persons, and as great care was taken in the preparation of instructions for the enrolling agent and in the examination of his report, it is hoped that the divisions which have heretofore existed in the tribe as to the rights of certain persons to membership therein are now settled and will give no further trouble.

The act of March 3, 1893, under which this enrollment was made, imposed the further duty upon the Government of issuing patents in fee simple to the Stockbridge and Munsee Indians, who have, either themselves or by their proper representatives, continuously occupied

the lands allotted to them under the treaty of 1856 and the act of 1871. This duty has not yet been performed, for the reason that it has been impracticable up to this time to identify allottees entitled to patent under this provision of the law. This work will be done as soon as a special agent of this Department can be spared for that purpose.

After the identification of these allottees and the issuance of patents to them, it is my purpose to recommend that authority be granted for the allotment of the remaining lands of the reservation, either under the act of February 8, 1887 (24 Stats., 388), as amended by the act of February 28, 1891 (26 Stats., 794), or under some special act of Congress to be obtained for that purpose. I am convinced that the sooner all the lands of the reservation are allotted and the trust funds of these Indians distributed to them, the better it will be both for the Indians and the Government. On account of their disposition to disagree in all matters relating to their affairs, I am satisfied that as long as there is any common property belonging to the tribe there will be contentions and trouble. They are well advanced in civilization, and, in my opinion, competent to take care of themselves and manage their personal affairs.

UINTAH AND UNCOMPAHGRE UTES.

During the last session, H. R. bill 6557 and S. bill 1887 were introduced in Congress, both providing for making allotments on the Uintah and Uncompahgre Ute reservations and opening the surplus lands to settlement. This proposed legislation did not originate in this office, and in reports to the Department, dated April 19th and 23d last, recommendation was made, for the reasons therein set forth, against the passage of either of said bills. Neither of these bills passed as a separate measure; but their provisions were substantially incorporated in sections 20, 21, 22, and 23 of the Indian appropriation act for the current fiscal year.

THE WENATCHEE FISHERY.

In my last annual report (pages 100, 101) recommendation was made that negotiations be had with the Yakima Indians for the cession of all their rights to the township of land and the fishery, which, by the tenth article of the treaty of June 9, 1855 (12 Stats., 954), was to be reserved and set apart for their use. Accordingly, John Lane, special U. S. Indian agent, and Lewis T. Erwin, U. S. Indian agent, were instructed October 25, 1893, to call a council of the Yakima Indians, for the purpose of negotiating for said cession. These instructions were promptly carried into effect, and on the 29th of January Agent Erwin forwarded council proceedings and an agreement executed January 8, 1894, whereby the Indians ceded and relinquished to the United States, for the sum of $20,000, all their claim to lands and rights of fishery as set forth in the tenth article of said treaty.

A copy of the council proceedings and agreement was forwarded to

the Department March 17, 1894, with recommendation that the same be submitted to Congress. By the thirteenth section of the Indian appropriation act, approved August 15, 1894 (Public, No. 197, p. 38), the agreement was duly confirmed and ratified, and the money appropriated to carry it into effect.

WINNEBAGOES IN MINNESOTA.

By the first article of the Winnebago treaty of April 15, 1859 (12 Stats., 110), no provision was made for the issue of patents to the several members of the tribe to whom lands in severalty should be allotted, but certificates were to be issued by the Commissioner of Indian Affairs, with the stipulation that said tracts should not be alienated in fee, leased, or otherwise disposed of, except to the United States or to members of the tribe.

By the fourth section of the act of February 21, 1863, (12 Stats., 658), for the removal of the Winnebago Indians and for the sale of their reservation in Minnesota, it was made the duty of the Secretary of the Interior to allot to those Winnebago Indians who had cultivated and improved their lands 80 acres of land which, when so allotted, should be vested in said Indians and their heirs without the right of alienation, which should be evidenced by patent.

By the ninth section of the Indian appropriation act, approved July 15, 1870 (16 Stats., 361), the Secretary of the Interior was directed to cause to be investigated and to determine the claims to patents of those Winnebago Indians then lawfully residing in Minnesota, and to issue to those whom he should find to be entitled thereto patents without the right of alienation for the lands theretofore allotted to them in severalty or which might have been designated by them for allotment under the treaty of 1859, or of the aforesaid act of 1863, and which had not been sold or disposed of by the United States. In case the lands had been sold they were to have lands designated by them for allotment out of any unsold lands within the limits of the original Winnebago Reservation in Minnesota, and if it were found to be impracticable to make allotments within such limits on good agricultural lands, then they were to be made on any public land subject to private entry.

By the Indian appropriation act of May 29, 1872 (17 Stats., 185), it was declared to be the intention and meaning of said ninth and tenth sections of the act of July 15, 1870, aforesaid, "to authorize and direct the Secretary of the Interior to cause to be patented to each and every Winnebago Indian, lawfully resident in the State of Minnesota at the date of said act, in accordance with the conditions of said two sections, an allotment of land, who have not heretofore received the same in quantity as provided in the treaty of 1859."

Under this legislation Walter T. Burr made the investigation, and reported to this office July 8, 1873, a list of 52 persons who presented

their claims to him, in person or by representation, 44 of which claims he admitted and 2 he favorably recommended. Patents in fee have issued to 31 of the aforesaid 44, and a patent without the right of alienation has issued to one, viz, Mary or Madam White and her heirs. This leaves 12 persons to whom no patents have ever issued, and there is no authority for the issue of patents to them except in accordance with the conditions of section 9 of the act of 1870, which is a restriction for all time, without the right of alienation, by anyone, under any circumstances—an entailment on the land which is not deemed desirable.

A full statement of the status of these 13 cases was submitted to the Department with the draft of a bill "For the relief of certain Winnebago Indians in Minnesota." A bill, No. 7731, was introduced in the House of Representatives modifying the fourth and ninth sections of the acts of 1863 and 1870, respectively, so far as they related to the lands of the Winnebago Indians in Minnesota, so as to permit the alienation and conveyance of said lands with the consent of the Secretary of the Interior. The bill was passed by the House, as drafted in this office, and was referred to the Senate Committee on Indian Affairs.

In conclusion, allow me to acknowledge my sense of obligation to you for the special interest you have manifested in the affairs of this Bureau and the assistance you have cordially rendered me, in the management of difficult problems which have arisen, by your personal attention to their details.

Very respectfully, your obedient servant,

D. M. BROWNING,
Commissioner.

The SECRETARY OF THE INTERIOR.